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LAWS
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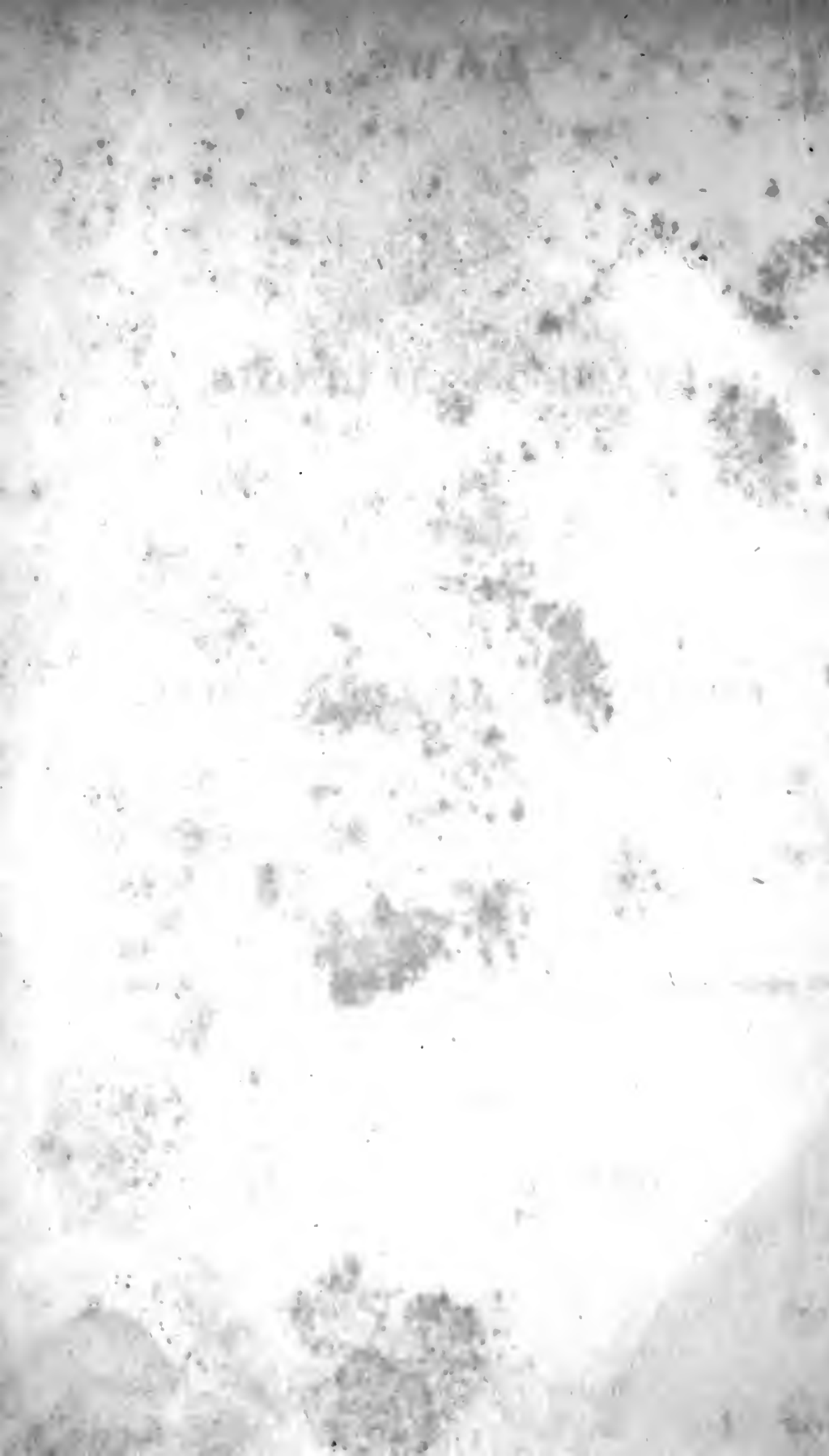
AT

Their regular session, began and held at Springfield, on the fifth of December, one thousand eight hundred and forty-two.

PUBLISHED IN PURSUANCE OF LAW.

SPRINGFIELD:
WALTERS & WEBER, Public Printers.

1843.



STATE OF ILLINOIS.

AN ACT to incorporate the St. Charles Academy, in the county of Kane. In force,
Jan. 24, 1843.

SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly, That* Bela T. Hunt, William Rounsville, Leonard Howard, Lucius Foote, Darwin Millington, Thomas P. Whipple, Stevens Jones, Nathan H. Dearborne, and their successors, be, and they are hereby created a body politic and corporate, to be styled and known by the name of the "President and Trustees of the St. Charles Academy;" and by that style and name to remain and have perpetual succession. The said academy shall be and remain at and in St. Charles, in the county of Kane, State of Illinois. The number of trustees shall not exceed twelve, one of whom shall be president of the board, to be chosen by the trustees. For the present, the above-named individuals shall constitute the board of trustees, who shall fill the remaining vacancies at their pleasure and discretion.

Name of corporation.
Location of academy
Number of trustees

SEC. 2. The object of said institution shall be the promotion of the general interests of education.

Object of incorporation

SEC. 3. The corporate powers hereby bestowed, shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: To have perpetual succession, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may; to accept, acquire, purchase or sell property, real, personal, or mixed, in all lawful ways; to use, employ, manage and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the object before mentioned; to have a common seal, and to change or alter the same at pleasure; to make such by-laws for its regulations as are not inconsistent with the laws and constitution of the United States, or of this State; to confer on such persons as

Corporate powers
May hold property
By-laws

Conveyances
how made

SEC. 6. All deeds or instruments of conveyance, shall be made by a majority of the trustees, sealed with the seal of said corporation, if any they have, signed by the president and by him acknowledged in his official capacity.

SEC. 7. The above named persons shall be deemed trustees until others are elected, and they are hereby empowered to appoint all necessary agents and officers, whose offices shall expire with their own.

Institution o-
pen to all de-
nominations

SEC. 8. The said institution shall be open to all religious denominations, and the profession of no particular religious faith shall be required either of officers or the pupils.

SEC. 9. This act shall be in force from and after its passage.

APPROVED, February 24th, 1843.

In force,
Feb. 24, 1843.

AN ACT to relieve the Mount Vernon Academy.

Relating to
certain school
money in Jef-
ferson county

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the school commissioner of Jefferson county be authorised and required to receive the said schedule of the school taught in the Mount Vernon Academy, in the year 1840, and duly certified by the trustees and teacher thereof, and apportion thereon its distributive share of the interest of the school fund due for 1842, according to the schedules filed for distribution in January, 1843; *Provided,* that all schedules in said county, regularly certified for that year, and notified to the said commissioner before he actually made the apportionment of the interest of that year, shall be paid in like manner.

APPROVED, February 24th, 1843.

In force,
Mar. 6, 1843.

AN ACT to incorporate Academies and Seminaries of learning.

Academies &
seminaries of
learning

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That when five or more persons shall associate themselves together, for the purpose of forming an academy, or seminary of learning, in their neighborhood, and shall acquire by gift, grant, or purchase, any lots or lands not exceeding one hundred and sixty acres, and shall build a house thereon for the purposes of education, it shall be lawful for them to apply to the county commissioners' court of the county in which the land so acquired may be situated, to receive the legal title to said land, and hold it in trust for them until the persons so associated shall become qualified, as a body corporate, to receive the same in the manner and mode hereinafter provided for.

May be incor-
porated

SEC. 2. It shall be lawful for the persons associated together for the purposes named in the first section of this act, or a majority of them, to meet at some public place in the neighborhood of the intended academy, or seminary of learning,

after giving ten days notice thereof, by advertisement set up at three public places in the vicinity, or by notice in some public newspaper printed in the county, and then and there Trustees elected proceed to the election of not less than five, nor more than seven trustees, a majority of whom shall be capable of receiving a deed or deeds from the county commissioners' court in which the same may lay, for such lots or lands as may be held in trust for such association under the provisions of the first section of this act; and the clerk who may have acted as such at the election of said trustees, shall, within ten days thereafter, deposit in the recorder's office of the county where such lands or lots may lie, a certificate of the election of said trustees, which shall be immediately recorded in some book in which deeds are recorded, and the lots or lands so deeded by the county commissioners' court aforesaid, shall vest in said trustees and their successors in office, for the sole use and benefit of said academy or seminary of learning, forever, all the right and title to such lots or lands for the purposes herein named, and no other; and as soon as the clerk of such election shall deposit with the recorder of the county as aforesaid, a certificate of said election, stating therein the name of the association, and for what object formed, and the names of the trustees elected, then, and from that time, the said trustees and their successors in office shall be created and remain a body corporate and politic, and in the name and style assumed by them, shall remain in perpetual succession, with power to sue and be sued, to plead and be impleaded, to acquire, hold and convey property, real and personal, to have and to use a common seal, to alter the same at pleasure, to make and alter from time to time such by-laws as they may deem necessary for the government and regulation of such academy or seminary of learning, its officers, servants, and property; *Provided*, such by-laws be not inconsistent with the constitution and laws of the United States, and of this State; *And provided further*, that the aforesaid trustees, and their successors in office, shall have no power or authority under this law to sell or convey away any of the lots or lands deeded to them by the county commissioners' courts, but the same shall be held in trust forever for the purposes for which said lots or lands were originally given, granted, or purchased, and for no other use or purpose whatsoever. And receive deeds of land

SEC. 3. The persons associated under the provisions of this act, shall be called and deemed stockholders, and from their number, after the first election and organization, shall elect annually in such manner, mode, and time, as they may fix by by-law, not less than five, nor more than seven trustees, who shall continue in office until their successors are duly elected and qualified; and before entering on the duties of their office, they shall take an oath before some justice of the peace, faithfully to perform the duties enjoined on them by this act, and by the by-laws of the association to which they belong; General powers
Persons thus associated shall be called stockholders, & shall elect trustees annually

and should any vacancy occur in the board of trustees before the expiration of the year, either by death or resignation, the remaining members of the board shall be authorised to fill such vacancy from among the stockholders; which appointment shall hold and continue until the ensuing annual election.

This incorporation may take and hold real and personal estate

Funds how applied

SEC. 4. The trustees, when elected and qualified, and their successors in office, shall be competent in law or equity to take or receive in their corporate name, and for and in behalf of the associated stockholders, any estate, real, personal, or mixed, by the gift, grant, bargain and sale, conveyance, will, demise, or bequest of any person or persons whatsoever, and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, demise, or place at interest or otherwise dispose of, for the use and benefit of the academy or seminary whose interests they represent. Said trustees shall faithfully apply all funds collected, or the available proceeds thereof, in erecting, completing, or repairing, suitable buildings, paying suitable salaries to the necessary officers, instructors and servants, in procuring books, stationery, maps, charts, globes, and apparatus necessary to be used in an academy or seminary of learning; and in case any donation, devise, or bequest, shall be made to any institution established under the provisions of this act, and the corporation to which the same shall be made, shall accept the same, such donation, devise, or bequest, shall be applied in conformity with the express conditions of the donor or deviser.

To appoint a treasurer who shall give bonds

SEC. 5. At the time of the annual election of trustees, the stockholders in each corporation created under the provisions of this act, shall elect a treasurer, who shall, before he enters upon the duties of his office, give bond, with approved security, to the trustees thereof, in such penal sum as they may require, for the faithful performance of the duties of his office, and who, for good cause, may be removed by the concurrent vote of two-thirds of the trustees; and in case of his death, removal, resignation, or refusal to serve, it shall be lawful for the trustees, at any of their meetings, to appoint another treasurer in his stead, to remain in office till the expiration of the time for which his predecessor was elected.

Rights of stockholders

SEC. 6. That, on the payment of such sum as the stockholders, in each corporation under the provisions of this act, may ordain by their by-laws, every free white person shall be considered a stockholder, and be entitled to one vote, and it may be lawful for each and every stockholder, for the time being, his executors, administrators, or assigns, to give, sell, devise and dispose of their respective rights or shares in such academy or seminary, and such donee or purchaser shall be entitled to all the rights of the original holders.

First board of trustees to be com'rs to solicit subscriptions of stock

SEC. 7. The first board of trustees elected under the provisions of the second section of this act, shall, and they are hereby appointed commissioners to solicit and receive subscriptions

of stock to the corporation which they represent, and give receipts for the same, and pay the same over to the treasurer when elected and qualified; and said trustees, within six months from the time of their first election, shall give public notice in some newspaper of the county, if there be any, or in at least three public places in the neighborhood of the location of the academy or seminary, of the time and place of holding an election of trustees and treasurer; and said election shall be held between the hours of twelve, M. and six, P. M.; and said trustees, or any three of them, may act as judges of elections.

To give notice of the location of the academy

SEC. 7. [8.] Each stockholder shall be required at or before the second election of trustees, to pay five dollars on each share by him or her subscribed, and the residue at such time, and in such amounts, as shall be required by the board of trustees, and if the instalments are not paid within six months from the time required, then the amount already paid by him or her, shall be forfeited to the corporation.

Stockholders to pay certain sums on the subscriptions of stock

SEC. 8. [9.] Any academy or seminary established under the provisions of this law, and in operation, shall at all times be open for the use and privilege of every free white person who may wish to be instructed therein, if such person will comply with by-laws and regulations of the corporation, and pay such sum as the trustees may require for the instruction of students attending such academy or seminary, and every free white person who may at any time tender to the treasurer of the corporation the sum required by the by-laws to constitute a stockholder, shall be admitted as such, and receive from the treasurer a certificate of stock.

Academies to be open to all who comply with the by-laws

SEC. 9. [10.] If at any time any corporation created under this act shall violate any of its provisions, it shall be the duty of the Attorney General when he may have knowledge thereof, to file an information in the nature of a *quo warranto*, for the purpose of vacating the same; *Provided*, in that case the trustees shall have the right of selling all the property, real and personal, belonging to such corporation, and after paying all its debts, the balance, if any, shall be distributed *pro rata* among the stockholders thereof.

Corporation may be vacated

SEC. 10. [11.] That in case it should happen that an election of trustees should not be made on the day appointed by the by-laws of any corporation established by this act, such corporation shall not for that cause be deemed to be dissolved, but that it shall be lawful on any other day to hold and make an election of trustees, in such manner as shall be prescribed by the by-laws and ordinances of such corporation.

Corporations not to be dissolved for failure to elect trustees

SEC. 11. [12.] That all corporations created under the provisions of this act may from time to time prescribe and regulate the course of studies to be pursued in such institution, fix the rate of tuition, appoint instructors, officers, and such assistants and agents as may be deemed necessary in managing its concerns; and do all and every thing that may

Corporation to regulate the course of studies &c

be fit and proper, for the purpose of promoting the cause of education, that is not inconsistent with the provisions of this act, or contrary to the constitution and laws of the United States and of this State.

APPROVED, March 6th, 1843.

In force,
Feb. 21, 1843.

AN ACT to fix the tenure of certain officers.

Terms of cer-
tain officers
defined

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That from and after the first of January, eighteen hundred and forty-three, the tenure of public administrators, notaries public, and masters in chancery, shall be four years, and until their successors are appointed.

To surrender
books, papers,
&c. to their
successors

SEC. 2. Whenever the successor of any of the officers named in the preceding section shall be appointed, it shall be their duty to surrender all books, papers, vouchers and other documents belonging to his office after demand of such successor, within ten days thereafter.

Penalty for
refusing to
surrender

SEC. 3. If any officer above named shall refuse or neglect to surrender all the books, papers, or vouchers connected with his office, after such demand, he may be indicted, and, on conviction, shall be fined in a sum not exceeding one thousand dollars, and stand committed until paid.

Gov to ap-
point public
administra-
tors and nota-
ries public
Circuit courts
appoint mas-
ters in chan-
cery

SEC. 4. The Governor shall proceed, after the passage of this law, to appoint public administrators and notaries public in each county, and the judges of the respective circuits shall appoint masters in chancery at the first term of the circuit courts in each of the counties in their respective judicial districts; *Provided*, that all masters in chancery to be appointed under the provisions of this act, shall give bond with security to be approved of by the court making such appointment, and in such sum as shall be fixed by said court, and shall take an oath, to be endorsed thereon and filed with the clerk of such court, faithfully to discharge the duties of such office.

Masters in
chancery to
give bond and
take oath

APPROVED, February 21, 1843.

In force,
Feb. 3d, 1843.

AN ACT to amend an act entitled an "An act to apportion the representation of the several counties in this State," approved February twenty-sixth, 1841.

Part of form-
er law repea-
led

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the third section of the act to which this is an amendment as requires the clerks of the county commissioners' courts of the counties of Bond, Montgomery, and Christian to meet at the county seat of Bond county to compare the returns of election for senator to the General Assembly for the district com-

posed of the counties aforesaid, be, and the same is hereby repealed.

SEC. 2. In all elections hereafter for senator to the General Assembly of this State, for the district composed of the counties of Bond, Montgomery, and Christian, the clerks of the county commissioners' courts of said counties shall meet at the county seat of Montgomery county, to compare the returns of election for senator for the district aforesaid.

Place of comparing votes in the district of Bond, Christian and Montgomery

APPROVED, February 3d, 1843.

AN ACT supplementary to "An act to apportion the representation of the several counties in this State," in force, February 26th, 1841. In force, Feb. 6, 1843.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the county of Lake shall hereafter elect one representative, and the county of Cook three representatives, and both shall form one senatorial district, the senator from which shall be selected from the district without regard to residence.

Representation of Lake and Cook counties

SEC. 2. The counties of Will, Du Page, and Iroquois shall also constitute one district, and be entitled to elect one senator and four representatives.

Representation of Will, Du Page and Iroquois counties

SEC. 3. Any provisions in the act to which this is supplementary, inconsistent with the provisions of this act, are hereby repealed.

Part of former law repealed

APPROVED, February 6th, 1843.

AN ACT making partial appropriations.

In force, Dec. 30, 1842.

SEC. 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That the Auditor of Public Accounts be, and he is hereby required to draw warrants on the treasury for the sum of one hundred dollars to each member of this General Assembly, and a like warrant to the Speakers of each House, the secretary of the Senate, the clerk of the House of Representatives, and the assistants of each House, to each of the engrossing and enrolling clerks of the two Houses, to each of the door-keepers, and to the copyists, and to the Secretary of the Council of Revision.

Auditor to issue warrants to members & officers of General Assembly for \$100

APPROVED, December 30th, 1842.

AN ACT making appropriations for the years eighteen hundred and forty-three and eighteen hundred and forty-four. In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of eight thousand dollars be, and the same is hereby appropriated as a

Contingent
fund

contingent fund, to meet the contingent expenses for the years one thousand eight hundred and forty-three, and one thousand eight hundred and forty-four; and the said fund shall be subject to the order of the Governor, for the purpose of defraying all such expenses as are unforeseen by the General Assembly, or otherwise unprovided for by law, and a proper statement of which shall be laid before the next General Assembly of this State, by the Auditor, in his biennial report.

Appropriations for salaries

SEC. 2. The following sums are hereby appropriated in full for the salaries of the several officers hereinafter mentioned, for the years one thousand eight hundred and forty-three, and one thousand eight hundred and forty-four; the Governor four thousand dollars; to the Auditor of Public Accounts, including clerk hire, three thousand dollars; to the State Treasurer, including clerk hire, two thousand dollars; to the Secretary of State, including clerk hire, two thousand dollars; to the Judges of the Supreme Court, each, the sum of three thousand dollars; to the Attorney General, one thousand four hundred dollars, and State's Attorneys, each, six hundred dollars; to the Secretary of the Council of Revision, three dollars per day.

Appropriations to the officers & members of the Senate & H. of Representatives.

SEC. 3. There shall be allowed to the Speaker of the House of Representatives and the Speaker of the Senate, each, the sum of six dollars per day, and four dollars for every twenty miles necessary travel, in coming to and returning from the seat of government; to each member of the Senate, and to each senator sworn in, or whose seat was vacated by resolution of the Senate, and to each member of the House of Representatives, the sum of four dollars per day, for each day's attendance at the present session of the General Assembly, and four dollars for every twenty miles necessary travel, in coming to and returning from the seat of government; to the secretary and assistant secretary of the Senate, and to the clerk and assistant clerk of the House of Representatives, the sum of six dollars per day; to the sergeant-at-arms of the Senate, and to the door-keeper of the House of Representatives, and his assistant, each, the sum of four dollars per day; and to John Kavanaugh, the sum of three dollars per day, as assistant door-keeper of the Senate, for each day served by him, to be certified by the sergeant-at-arms; to the enrolling and engrossing clerks of the Senate and House of Representatives, each, the sum of five dollars per day; to each one of their assistants, four dollars per day, for the time actually employed, the number of days to be certified by their principals respectively; to the copyists of the journals of the Senate and House of Representatives, each, the sum of four dollars per day; to John Dawson, for swearing in the members of the Senate, at the sessions of one thousand eight hundred and forty and one thousand eight hundred and forty-two, five dollars for each session; to D. B. Campbell, five dollars for administering the oath, required by the constitution, to the members of the House of Representatives; to Benjamin Kellogg, for his services as clerk of the committee on the contested election from

Other persons

Peoria county, at the session one thousand eight hundred and forty, twenty dollars; to Jarvis Pierce, four dollars, for serving as assistant door-keeper one day; to the Secretary of State, for making index to journals of the Senate and House of Representatives and laws, for copying laws and making marginal notes and index to laws, the sum of six hundred dollars; to J. S. Rogers, thirty-one dollars and twelve cents, for services rendered and articles furnished the State; to S. M. Tinsley and company, three hundred and forty-two dollars and eighty-seven cents, for articles furnished the State; to J. Bunn, two hundred and three dollars and twelve cents, for candles furnished for the State; to Hiram Wood, one hundred and ten dollars and twenty-five cents, for repairing furniture and fitting halls for the General Assembly; to Wallace and Diller, thirty-two dollars and fifty-six cents, for articles furnished the State; to C. C. Phelps, ninety dollars, for three dozen fancy chairs for the General Assembly; there shall be allowed to John Carlin, the sum of two dollars per day for his services in the office of Secretary of State, during the present session of the General Assembly, the number of days to be certified by the Secretary of State; to M. Doyle, fifty dollars and thirty-seven cents, for candles furnished the State; to V. Hickox, three hundred and eighty-one dollars and seventy-four cents, for carpet for Senate chamber, and other articles furnished the State; to E. B. Pease and Brother, fifteen dollars and sixty-nine cents, for articles furnished for the State; to Michael Macnamara, for five month's wages in preparing wood for General Assembly, and for articles furnished for the State, one hundred and twenty-five dollars; to John Donahan, sixty dollars, for three month's wages in preparing wood for the General Assembly; to James Crawford, twenty dollars, for one and one-third month's wages in preparing wood for the General Assembly; to Virgil Hickox, for services rendered as clerk to the board of auditors in investigating the accounts of the former State House Commissioners, twenty five dollars; to H. E. Bridge and company, three hundred and sixty dollars and eighty-seven cents, for balance due for stoves, &c., furnished prior to the last Legislature, and allowed by the board of auditors; to Smith and Crom, eleven hundred and sixty dollars and seventy-seven cents, being the balance remaining unpaid, as allowed by the board of auditors, for articles furnished in the construction of the State House; to Strattan and Seymour, five hundred and seventy-three dollars and twenty-nine cents, for stoves and pipe purchased by former State House Commissioners, and allowed by the board of auditors; to L. Levering, assignee of Birchall and Johnson, three hundred and sixty-three dollars and sixty cents, for binding journals and reports of the session of one thousand eight hundred and forty, and one thousand eight hundred and forty-one, for Secretary's office; to John Von Horn, thirty dollars, for making a statistical map of the State for the districting committee,

which map shall be deposited in the office of the Secretary of State; to J. Hutchinson for coffin for Green, ten dollars; to A. D. M'Graw, for funeral expenses of the Hon. John Green, seventy-four dollars; to Henry Ream, for medical attendance on the Hon. John Green, the sum of fifteen dollars, eighty-seven cents; to Betts and Frazer, for medical attendance on the Hon. John Green, thirteen dollars and fifty cents; to James M. Brown, four dollars and thirty-two cents, for taxes wrongfully paid into the State treasury; to Robert L. Arnold, of Sangamon county, the sum of twenty-three dollars and twenty-nine cents, for damages sustained by him, because of the failure of the State House Commissioners to furnish him with loading from St. Louis to Springfield, as per contract. That John B. Weber shall be, and he is hereby appointed to make out a new set of tract books, to contain an entry of all the appropriated lands in this State, leaving spaces for lands to be hereafter entered, and also, record of all the town lots in this State, with a description of the same, to supply the place of the books now in the Auditor's office, and which are already filled with entries, and the said John B. Weber shall make the said tract books, and perform the service aforesaid, under the supervision of the Auditor, and shall be allowed the sum of two dollars per day, for each day necessarily employed in the said service, to be certified by the Auditor, and the Auditor shall issue his warrant upon the treasury in favor of the said John B. Weber for the amount of his compensation so ascertained as in other cases.

APPROVED, March 3, 1843.

In force. AN ACT to legalize the assessment of taxes in the counties of Mercer, St. Feb. 1, 1843. Clair, Macoupin, and other counties, for the year one thousand eight hundred and forty-two.

Assessment of taxes legalized SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment of taxes, in the counties of Mercer, St. Clair, Macoupin, Franklin, and Sangamon, in the year one thousand eight hundred and forty-two, shall be good and valid, and in every respect as legal as if the same had been taken under the provisions of the "act concerning assessors," approved February twenty-sixth, one thousand eight hundred and forty-one. This law to take effect from and after its passage.

This act to be published SEC. 2. That this act, so soon as it becomes a law, shall be published in the paper of the Public Printer.

Assessment for 1841-2 in St. Clair co. legalized SEC. 3. The provisions of this act, shall extend to the county of St. Clair, for the years one thousand eight hundred and forty-one and one thousand eight hundred and forty-two.

APPROVED, February 1st, 1843.

AN ACT to legalize the assessment of taxes in the county of Grundy. In force,
Feb. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment of taxes in the county of Grundy, for the year eighteen hundred and forty-two, shall be as valid, to all intents and purposes, as if it had been made as required by an "act concerning the public revenue," approved February twenty-sixth, one thousand eight hundred and thirty-nine.

APPROVED, February 3d, 1843.

AN ACT to legalize the assessment of property in the counties of Iroquois and Will. In force,
Mar. 1. 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessment of the taxable property, made by the assessor of Will county, for the year one thousand eight hundred and forty-one, be, and the same is hereby declared good, valid, and effectual in law, in the same manner as if the same had been taken and returns thereof made, within the time limited by law for that purpose.

SEC. 2. That the assessment of taxable property in the county of Iroquois, for the year one thousand eight hundred and forty-two, be, and the same is hereby declared good, valid, and effectual in law, in the same manner as if the same had been made in strict conformity with all the provisions of the laws in such case made and provided.

APPROVED, March 1st, 1843.

AN ACT to incorporate the Oak Grove Cemetery Association. In force,
Feb. 23, 1843

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David B. Jackson and associates, of the town of Hillsboro, and county of Montgomery, and their successors, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Oak Grove Cemetery Association," and by that name have perpetual succession, and shall have, possess, and be invested with all the powers, rights, privileges, liabilities, and immunities incident to a corporate body.

SEC. 2. Said association shall have power to own and possess real estate, not exceeding ten acres, which shall be exempt from taxation and from execution.

SEC. 3. The object of said association shall be, exclusively and solely, to lay out, enclose, and ornament a plat or piece of ground, not exceeding ten acres, as aforesaid, to be used as a burial place for the dead.

SEC. 4. Said association shall have power to lay out the

burial place into lots of suitable size for family burial departments, and sell the same; the purchasers of which shall use the said lot or lots as herein contemplated, and for no other purpose whatever.

Proceeds of sales how applied

SEC. 5. The proceeds arising from such sale, after deducting all the expenses of purchasing and laying out lots, shall be appropriated and used in improving and ornamenting the burial ground, or in other objects connected with this incorporation.

Officers to be chosen annually

SEC. 6. The officers of the association shall be a president treasurer, (who shall also act as secretary) a superintendent, and two directors, who shall be chosen annually, by ballot, and shall hold their offices until their successors are chosen; and any neglect to choose officers on the day, within the year fixed upon by the said officers, shall not operate as a forfeiture of this act of incorporation.

Members

SEC. 7. Every person holding one or more lots, shall be a member and entitled to one vote only; absent members shall have power to vote by proxy.

Right of property in lots how vested

SEC. 8. The right of property to any lot or lots which may be purchased, shall be vested by a certificate of stock, signed by the president and countersigned by the superintendent, and shall be recorded in a book to be kept by the secretary for that purpose; and every transfer or assignment of such certificate of stock shall be made by surrendering the same to the secretary, and cancelled or otherwise destroyed, and a new one issued to such transferee or assignee.

Secretary to call meetings

SEC. 9. It shall be the duty of the secretary, on the order of the president or any two directors, to call a meeting of the members for the choice of officers, or the transaction of any other kind of business which this act authorizes, by giving three days previous public notice.

Further powers

SEC. 10. The said corporation shall have power to establish and change by-laws, and prescribe rules and regulations for the government and election of their officers, prescribe their duties, and the management of its property and affairs.

Private property liable for debts of the corporation

SEC. 11. The private property of the stockholders shall be liable for all debts created by said corporation. This act to be in force from and after its passage.

APPROVED, February 23d, 1843.

In force, Mar. 6, 1843.

AN ACT to incorporate the Lamoille Agricultural and Mechanical Association.

Lamoille Agricultural and Mechanical Association incorporated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Timothy Edwards Samuel Edwards, John Kendall, and their associates, be and they are hereby created a body corporate and politic by the name and style of Lamoille Agricultural and Mechanical As-*

sociation, and by that name and style to have perpetual succession, to make contracts, to sue and be sued, to plead and be impleaded, to grant and receive by its corporate name, and to do all such acts and things as a natural person may; acquire, purchase, or sell property, real or personal, and in all lawful ways, to use, manage and dispose of the same, and make by-laws for its regulation, not inconsistent with the constitution of the United States or of the State of Illinois.

SEC. 2. The capital stock of said association shall consist of Capital stock shares of fifty dollars each, which, so far as subscribed, shall all be paid in before the company shall commence its operation, and all that may be afterwards taken shall be paid at the time of subscription, and the stock of said association shall not exceed one hundred thousand dollars, and the quantity of lands owned by said association, shall not exceed eighty acres to each stockholder in said association.

SEC. 3. Subscription to the stock of the association shall be Subscriptions opened under the direction of Justin H. Olds, Elisha Fassett, and Timothy Edwards, who shall be directors from the time this act takes effect and until others are elected. to stock to be taken

SEC. 4. The association shall, as soon as a sufficient amount of stock shall be taken, elect a president and five directors, a secretary and treasurer, who shall be sworn well and truly to perform the duties of their respective offices, and shall hold their offices until the first Monday in January following, and until their successors shall be elected and qualified to fill their places. Officers

SEC. 5. On the first Monday in January, in each year, shall be held the annual meeting of the association, at which time all the officers of the society shall be chosen by the vote of each member of the association. Annual meeting

SEC. 6. Certificates of stock shall be given to the stock-holders, which shall be evidence of stock held; they shall be signed by the president and countersigned by the treasurer; the stock shall be transferable on the books of the corporation only, by an agent or attorney, or by the administrator, executor, trustee, or guardian, but such stock shall be at all times holden by the corporation for any dues from the holders thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer. Certificates of stock

SEC. 7. It shall be the duty of the board of directors, at all times, to keep proper books of accounts, in which they shall register all the transactions of the association; which books shall at all times be subject to the inspection and examination of the members, and to make annual dividends of the profits of said association. Board of directors to register the transactions of the company

SEC. 8. The corporation shall have power to appoint salesmen, agents, clerks, and such other officers as they may deem necessary or convenient, and may require such securities as they may deem sufficient for the faithful performance of the duties of such officers. Corporation may appoint agents &c.

By-laws

SEC. 9. The association may, by a vote of a majority of its members, adopt such rules and regulations, and enact such by-laws as may be deemed necessary to carry out the objects of the association, not inconsistent with the laws and constitution of the United States or of this State.

Erect buildings

SEC. 10. The society shall have power to erect such edifices and buildings as they may require for agricultural, mechanical or scientific pursuits.

Public act

SEC. 11. This act is hereby declared a public act, and shall take effect from and after its passage.

Stockholders liable in their private capacity

SEC. 12. The stockholders hereby incorporated shall be liable in their private properties for all corporate debts.

Legislature may alter or modify this act

SEC. 13. The Legislature reserves the right to change and alter, or modify this act whenever, in its opinion, the public good require it.

APPROVED, March 6th, 1843.

In force, Mar. 6, 1843.

AN ACT to incorporate the Naperville Cemetery Association.

Trustees of the Naperville cemetery association incorporated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Naper, Lewis Ellsworth, and John Granger and their successors, be and they are hereby created a body corporate and politic, by the name and style of the "Trustees of the Naperville Cemetery," and by that style and name to have perpetual succession, and a common seal which may be altered at pleasure.

Trustees to be elected

SEC. 2. That the owners of lots in the cemetery, or such number of them as may be present, shall, on the first Monday of May next, elect three trustees, who shall be owners of a lot or lots in the cemetery, one of whom shall continue in office for one year, one for two years, and one for three years, or until their successors are elected; and annually, on the first Monday of May thereafter, they shall elect one trustee, who shall continue in office for three years, or until his successor is elected; said trustees shall have power to make such rules and regulations as they, or a majority of them, shall deem proper for the laying out, ornamenting and keeping in repair said cemetery, and for the management of the affairs of the corporation.

Their powers

Officers

SEC. 3. That the trustees shall appoint a secretary and treasurer, and may allow such compensation for the services as they think proper, and hold their meetings at such times and places as a majority may appoint; and the trustees shall be capable in law and equity of suing and being sued, and answered unto, defending and being defended in any court or courts, place or places, whatsoever.

Trustees may purchase real and personal property

SEC. 4. That the trustees and their successors in office shall be, in law, capable of purchasing, holding and conveying any personal or real estate for the use of said corporation; *Provided*, said corporation shall not be allowed, at any one time,

to own more than five hundred dollars of personal property, nor more than ten acres of land.

SEC. 5. That this act shall be in force from and after its passage.

APPROVED, March 6th, 1843.

AN ACT amending the several acts relating to attachments.

In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any creditor, his agent or attorney, shall make oath or affirmation before any justice of the peace in this State, that any person, being a non-resident of this State, is indebted to such creditor in a sum not exceeding fifty dollars, it shall be lawful for such justice to issue an attachment against the personal estate of such non-resident, to any constable of said county, returnable before said justice, according to the provisions of an act regulating proceedings by attachment before justices of the peace, approved February twenty-seventh, one thousand eight hundred and thirty-seven. This act to take effect from and after its passage.

Justices of the peace may issue attachment against non-resident debtors in certain cases

APPROVED, February 23d, 1843.

AN ACT to compensate Henry Brown, for services rendered as State's Attorney in the seventh judicial circuit.

In force,
Jan. 28, 1843

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be and he is hereby required to draw his warrant on the treasury, in favor of Henry Brown, for one hundred and thirty-four dollars and twenty-five cents, for services rendered the State as prosecuting attorney, in the seventh judicial circuit.

Appropriation of \$134 25 to H Brown

APPROVED, January 28th, 1843.

AN ACT concerning Attorneys and Counsellors at law.

In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases when an attorney of any court in this State, or solicitor in chancery, shall have received, or may hereafter receive, in his said office of attorney or solicitor, in the course of collection or settlement of any claim left with him for collection or settlement, any money or other property belonging to any client, and shall, upon demand made, and a tender of his reasonable fees and expenses, refuse or neglect to pay over or deliver the same

Attorneys & solicitors refusing to pay over moneys collected by them to be stricken from the rolls

to the said client, or to any person duly authorized to receive the same, it shall be lawful for any person interested to apply to the Supreme Court of this State for a rule upon the said attorney or solicitor, to show cause, at a time to be fixed by the said court, why the name of the said attorney or solicitor should not be stricken from the roll, a copy of which rule shall be duly served upon said attorney, at least two days previous to the day upon which said rule shall be made returnable; and if, upon the return of said rule, it shall be made to appear to the said court, that such attorney or solicitor has improperly neglected or refused to pay over, or deliver said money or property so demanded as aforesaid, it shall be the duty of the said court to direct that the name of the said attorney or solicitor be stricken from the roll of attorneys in said court, and the said attorney or solicitor shall forever thereafter be debarred from practising as attorney or solicitor in any of the courts of this State. This act to take effect from and after its passage.

APPROVED, March 4th, 1843.

In force, AN ACT to appoint a board of auditors to settle the accounts with R. F. Mar. 1, 1843. Barret, late Fund Commissioner.

Gov. Auditor and Treasurer to settle the accounts of R. F. Barret late Fund Com'r

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Governor, Auditor, and Treasurer be and they are hereby authorized and required to investigate the accounts of Richard F. Barret, late Fund Commissioner of the State of Illinois, and adjust the same on the principles of justice and equity; that if, on such settlement, any amount should be found in favor of or against the said Fund Commissioner, they shall pay or receive in payment, such funds as they shall think the justice of the case requires to liquidate the amount.

APPROVED, March 1st, 1843.

In force, AN ACT to amend an act entitled "An act to consolidate the acts relative Mar. 4, 1843. to the Auditor and Treasurer and election of Attorneys General, approved March 2d, 1833."

Certain acts repealed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "an act concerning the payment of the revenue and for other purposes," approved January 16th, 1836; also, an act entitled "an act to provide for the safe keeping and security of the public money," approved March 4th, 1837; also, an act entitled "an act to regulate the interest on Auditor's warrants," approved February 21st, 1839; and also, an act entitled "an act changing the place of depositing the public money," approved March 1st, 1839, be and they are hereby repealed;

and the act to which this is an amendment is hereby revived.

SEC. 2. The eighteenth section of the act to which this is amendatory is hereby repealed.

SEC. 3. It shall be the duty of the Treasurer, before depositing with the Auditor the warrants which may be in his hands at the time of making his monthly report, as required in the sixteenth section of the act to which this is amendatory, to write the word "cancelled" in red ink across the face of each of such warrants. Treasurer to cancel warrants

SEC. 4. In case of the violation of the condition of the bond of the Treasurer, suit may be instituted and prosecuted to final judgment against such Treasurer or his securities, or any one or more of them jointly or severally, without first establishing the liability of the Treasurer by obtaining judgment against him alone. Treasurer may be sued &c.

SEC. 5. The Auditor of Public Accounts and the Treasurer shall, under no pretence whatever, hereafter employ the same person or persons as clerk or clerks in both their respective offices, at the same time. Auditor and Treasurer not to employ the same clerks

APPROVED, March 4th, 1843.

AN ACT in relation to the State Bank of Illinois and Bank of Illinois.

In force,
Dec. 22, 1842.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all debts and demands due, by note or otherwise, unto the president, directors and company of the Bank of Illinois, or to the State Bank of Illinois, or that may hereafter become due unto either of said banks, may, after or before suit brought thereon, be discharged and paid in the notes and bills of said banks respectively, to which said debt or demand may be due, whether the same be in possession of the said bank or banks, or assigned, or transferred to any corporation, person, or persons. This act to take effect from and after its passage. Deb's due banks may be paid in bills of the same

APPROVED, December 22, 1842.

AN ACT to diminish the State debt, and put the State Bank into liquidation.

In force,
Jan. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Governor shall nominate, and by and with the consent of the Senate, appoint a bank commissioner, who shall be commissioned by the Governor, and before entering upon the discharge of his duties, shall take and subscribe the following oath, or affirmation, to wit: "I do solemnly swear (or affirm,) that I am not directly or indirectly interested in the affairs of the State Bank of Illinois, as a stockholder, as a creditor, or as a debtor, and that I will faithfully, justly, and impartially discharge all the duties Bank com'r appointed
Com'r to be sworn
Form of oath

To give bond	required of me by law, as bank commissioner;" and who, under the direction of the Governor, shall execute an official bond conditioned for the faithful performance of the duties imposed upon him by this act. Said commissioner shall receive such compensation for services actually performed, not exceeding three dollars per day, as may be allowed by the Governor, and shall hold his office for two years, unless sooner removed by the Governor for good cause, to be communicated to the next session of the General Assembly; and if any such removal shall be made, the Governor shall have power to fill the vacancy by an appointment, to endure until the end of the next succeeding session of the General Assembly.
Compensation of com'r	
Term of office	
Gov. may remove com'r for cause, and fill vacancy	
State Bank to go into liquidation and pay out specie to creditors	SEC. 2. The State Bank of Illinois is hereby required to go into immediate liquidation, and within thirty days after the passage of this act, to pay out all its specie at the counter of her principal bank at Springfield, except fifteen thousand dollars, on all liabilities to note holders and depositors, whether of the principal bank or branches, and upon all its indebtedness, except to stockholders, and upon the real estate fund, as the same may be presented for payment; <i>Provided, however,</i> that the said bank shall immediately take an account of the specie on hand, and also, of the amount of the immediate liabilities to note holders, depositors, and other such creditors, and shall not pay out more specie to any one creditor, than his fair proportion; in other words, the payments in specie aforesaid shall be <i>pro rata</i> amongst the creditors aforesaid, and the said bank is hereby required to make out and deliver certificates, signed by the president and cashier, to each creditor for the residue of his debt, after deducting the payment in specie from the whole amount, which certificate shall be registered by the commissioner, in a book to be kept by him for that purpose; said certificates to be issued in such sums as will suit the convenience of the creditors of the bank, which certificates shall be received in payment of any debt due the bank, and also in payment for any real or personal estate purchased of the bank, or for the redemption of any land purchased or to be purchased by the bank under execution; <i>Provided,</i> that no certificate shall be issued for a less sum than ten dollars; and it is <i>further provided,</i> that every twelve months after the first dividend and distribution herein provided for, the said bank, or the receivers thereof, hereafter provided for, shall take an account of liabilities as aforesaid, and pay out <i>pro rata</i> , as aforesaid, the amount of specie that may be on hand, to the bill and certificate holders of said bank, the indebtedness to stockholders on account thereof, excepted; <i>And provided further,</i> that the bank shall not, directly or indirectly through its officers, agents, or otherwise, purchase any of the certificates issued under the provisions of this act.
Proviso	
Payment in specie to be pro rata	
Certificates to be issued to creditors for balance due to be registered	
Certificates receivable for debts due the bank and for its property	
Dividend to be declared every twelve months	
Bank not to purchase certificates	
Powers which bank shall not exercise	SEC. 3. Said bank is hereby required to go into immediate liquidation upon the passage of this act; it shall not in future discount any note, lend any money, buy or sell any bill

of exchange, issue any paper for circulation, or receive any deposits, nor do any other act usually done by banks, except to wind up its affairs, collect and secure debts, and pay the debts of the bank, sell its real and personal estate, issue the certificates for balances, provided for in the second section of this act, renew the notes of its debtors, from time to time, upon the payment of instalments of one-fifth each time, and to sue and be sued, in relation to all its dealings; for which purposes, and for no others whatever, the charter of said bank is continued for the term of four years, from the fourth day of March next and no longer.

Powers remaining to the bank

Charter continued for four years

SEC. 4. The aforesaid creditors of the said bank shall, before they shall be entitled to the certificates aforesaid, deliver up to the bank, all notes and other evidences of debt held by them, and receipt for all judgments and other demands in favor of such creditors against said bank.

Creditors of bank to give up their claims before receiving certificates

SEC. 5. The bank commissioner aforesaid shall superintend the proceedings of said bank, and shall act as a director on the part of the State; he shall exercise due vigilance over the proceedings of said bank, and for that purpose, he shall have free access to the books, papers, vouchers, vaults, and cash of said bank, and shall have power in prosecuting his enquiries, to administer an oath to the president, directors, cashier, tellers, clerks, and all other persons, and compel them, or either of them, to testify in relation to the said bank, or in relation to any matter or thing touching the proceedings of its officers, effecting the interest of the State, the creditors of the bank, or of the stockholders, and upon the refusal of any of them to be sworn or testify, he shall have power to issue his warrant to any sheriff, and commit such president, cashier, clerk, teller, or other person, to the common jail of the county until he or they shall consent to be sworn or testify, as the case may be; *Provided*, that said commissioner shall be liable to the party aggrieved for any abuse of the powers hereby conferred upon him. If the said commissioner shall at any time discover that any dishonest practices are countenanced by said bank, or any of its officers, in the management of its business, or that it is about to violate any provision of law, then the said commissioner shall immediately certify the fact to some justice of the Supreme Court, whose duty it shall thereupon be to issue an injunction against said bank, which shall be executed as in other cases, and made returnable to the circuit court of Sangamon county, sitting as a court of chancery, and shall be proceeded in as in other cases of chancery, except that the said circuit court of Sangamon county, on the chancery side thereof, shall always be and remain open to hear causes arising under this act. The injunction to be issued shall absolutely restrain the said bank, and all officers and persons connected with it, from doing any act whatever, in relation to the matter enjoined, until the further order of the said court. The judge who issued the injunction shall

Powers of bank com'r

May examine officers of bank on oath

May commit persons refusing to testify to jail

Proviso

Com'r may apply for an injunction

Duty of judges to issue an injunction on certificate of com'r

Circuit court of Sangamon co. always open to hear said cause

Effect of injunction

Day of hearing appoint a day for the hearing of the cause, not exceeding ten days after the date of the writ, and he, or any other judge, may hold the court for that purpose. No depositions shall be required to be taken, but witnesses may be sworn, and their evidence heard in open court; upon a hearing of the cause, the judge shall have power to alter, modify, or dissolve the injunction, or make it perpetual, and if it should manifestly appear that the creditors or stockholders will be defrauded, then the said court shall have power to decree a forfeiture of the charter of said bank.

Testimony how taken

Power of the judge at the hearing

Court may declare charter forfeited

Effect of forfeiture of charter

Court may appoint receivers who shall give bond

Duty of receivers

Specie to be paid out pro rata & notes received upon payment of one-fifth

Property not sold for less than two-thirds its appraisement

Payments by receivers to be pro rata

Bank to file its acceptance of this act in office of the Sec. of State

\$2,050,000 of State bonds &c. to be delivered to Governor by bank in five days

Bank stock owned by State to be assigned to bank

SEC. 6. If the said bank shall forfeit its charter, as aforesaid, it shall not thereby forfeit any of its personal effects; its lands shall not revert, nor shall it be released from any liability to its creditors, nor shall any security for the payment of money, either to or from the bank, be annihilated, but the said court, or judge, shall appoint three honest and capable men to act as receivers of said bank, who under the direction of of the court, shall enter into bond with approved security for the faithful performance of the duties imposed upon them by this act; who shall have the power, and perform the duties of receivers, as in other cases, and shall proceed in the management of the affairs of said bank, in collecting and paying its debts, and selling its real estate and other property, according to such rules and regulations, not inconsistent with law, as shall be made by such court or judge in that behalf, except that the specie shall be paid out *pro rata* to creditors, and in collecting the debts due the bank, shall renew all notes with security, upon the payment of one-fifth part of the debt by the debtor. The said receivers shall not sell any real or personal property of the bank for less than two-thirds of its appraised value, to be ascertained by the appraisement of three householders upon oath, to be appointed by the judge of the circuit court of the county where the property may be situated. All payments to be made by the receivers shall be made *pro rata* amongst the creditors, who, upon giving up their demands to the receivers, shall receive a certificate for the residue of their claim; which certificate shall be received as is provided in the second section of this act.

SEC. 7. The State Bank of Illinois shall, within three days after the passage of this act, signify its acceptance of the provisions of this act, by writing, signed by the president and cashier, under the seal of the bank, and to be filed in the office of Secretary of State; and the said bank shall, within five days after the passage of this act, deliver to the Governor, acting on behalf of the State, an amount of State bonds, scrip, and other evidences of debt, without interest, equal on their face to the sum of two millions and fifty thousand dollars, reported by the bank as on hand, on the first of December, one thousand eight hundred and forty two, in which event the Governor is hereby authorised on the part of the State to assign to the bank two millions and fifty thousand dollars of bank stock, owned

by the State in said bank, and all the interest of the State in the assets of the bank, real, personal, and mixed, except so much of the said assets as the State may be entitled to as the State direct-holder of fifty thousand dollars of the stock of said bank, in ors with-which event, also, the State directors in said bank, except the drawn commissioner aforesaid, shall be withdrawn.

SEC. 8. Said bank, in collecting its debts, shall not collect Debtors more than one-fifth part of the debt due at the passage of this act, at any one time of any debtor, by note or judgment, may renew notes who will pay the one-fifth part and all interests and costs, and renew, or give his note with good security, to be paid in seven months; *Provided*, that in case the bank shall become subject to the operation of this act, the bank shall not in any case Bank charge but 6 per cent charge more than six per cent. interest upon the renewal of interest any bill discounted; *And provided, also*, that the time of renewal and payment shall not be changed except with consent of the debtor, and that the said debtor shall have the privilege Place of pay-ment of making such payment and renewal in the county where his debt is now payable, and the bank shall appoint agents in the Bank agents appointed counties in which branches have been or are now located, for the purpose of carrying this section into effect. In case any debtor of the bank shall obtain a certificate or certificates, issued under the provisions of this act, and shall surrender the Surrender of certificates in same to the officers of the bank, or the holder of any note payment of given to the bank for endorsement thereon, the amount of such debts due the certificate or certificates shall be endorsed on such note, and bank the endorsement shall bear interest at the same rate per cent. as was allowed upon the note upon which such endorsement is made.

SEC. 9. The real estate of the bank, excepting so much Real estate thereof as may be necessary to be reserved, shall be apprais- appraised and ed by three householders on oath, or a majority of them resi- how dent in the county where the real estate shall be situated, to be appointed by the Governor; and after due notice, and with- in six months after the passage of this act, the said real estate shall be offered for sale at public auction, and shall be struck To be offered off to the highest bidder, at or above the appraised value there- for sale at of; any real estate failing to sell at its appraised value, or an auction but advance thereon as aforesaid, shall be subject to private pur- not below ap- chase, and shall be sold whenever thereafter the appraised praisement value shall be offered for the same; *Provided*, that no real estate Real estate sold on exe- of said bank shall be sold on execution for less than two-thirds cution at two of its appraised value, to be ascertained by the appraisal of thirds its ap- praised value three householders on oath, or a majority of them, to be ap- pointed by the judge of the circuit court in the county where the estate shall be situated. No debtor of the bank shall be Debtors not garnisheed by any holder of certificates authorised to be issued garnisheed to creditors under the provisions of this act.

SEC. 10. The State shall continue to own fifty thousand State to retain dollars of stock heretofore subscribed in said bank, for the pur- \$50,000 stock pose of continuing the constitutional existence of the same to

Disposition
made of said
stock on the
winding up of
bank

enable it to wind up its affairs, and for no other purpose whatever; and at the expiration of the time, by this act allowed to the bank to wind up its affairs, the said bank shall surrender to the Governor of the State an amount of bonds, or other State indebtedness, or gold and silver coin, equal to the amount of stock authorised to be retained by said bank, and when the same shall be so surrendered, it shall then be the duty of the Governor to surrender said fifty thousand dollars of stock to said bank.

Matters of
difference be-
tween State
and bank to
be arbitrated

SEC. 11. All other matters of difference between the State and the bank, shall be submitted to arbitration, one of the arbitrators to be appointed by the Governor, and another by the bank, and if they two cannot agree, they may choose a third, whose umpirage shall be final, and if the State shall be found indebted to the bank, the Governor is hereby authorised to issue certificates of indebtedness to said bank, under the seal of State, and if the bank shall be found to be indebted to the State, the debt shall be paid by said bank, by a surrender of State liabilities to the Governor, to an amount on their face equal to such debt.

Award how
carried into
effect

Branch banks
abolished

SEC. 12. The said bank shall be required to abolish its branches, and the notes issued at said branches shall be payable at the principal bank.

Bonds regis-
tered and
burned

SEC. 13. If the bonds, scrip, and other evidences of debt, heretofore mentioned, shall be delivered to the Governor, in pursuance of this act, he shall cause the same to be registered by their numbers, amounts, and dates, in the office of Secretary of State, and shall then produce the same to be destroyed in the presence of the General Assembly.

Sec. 31 of ori-
nal charter
repealed

SEC. 14. That the thirty-first section of an act to incorporate the subscribers to the Bank of the State of Illinois, be and the same is hereby repealed; and hereafter the laws now in force, or hereafter to be in force, regulating the mode of selling property for the collection of debts, shall apply to the debts due to the said bank, the same as to those due to individuals.

No stock-
holder to re-
ceive divid-
end till credi-
tors are paid

SEC. 15. That in no case shall any dividend or dividends be made to any stockholder, until depositors, billholders and certificate holders shall have been paid.

Form of cer-
tificate

SEC. 16. The certificates to be issued under the provisions of this act, shall be in the following form: "This certificate for _____ dollars _____ cents, will at all times be received by the State Bank of Illinois in payment of any debt due the bank, and for any property which the bank may have for sale. It will also entitle the bearer to the proper proportion of all dividends which may be made to the creditors of the bank.

President.

Cashier."

APPROVED, January 24th, 1843.

AN ACT supplemental to an act entitled "An act to diminish the State debt and put the State Bank into liquidation." In force, Jan. 27, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, no execution against the president, directors and company of the State Bank of Illinois, or against said Bank, shall be levied upon any of the specie belonging to the same, unless its officers shall unreasonably refuse to pay out the said specie, *pro rata*, to its creditors, according to the provisions of an act entitled "An act to diminish the State debt and put the State Bank into liquidation," approved January 24th, 1843.

Specie of State Bank not subject to execution
Exceptions

APPROVED, January 27th, 1843.

AN ACT to put the Bank of Illinois into liquidation.

In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the president, directors and company, of the Bank of Illinois, at Shawneetown," approved December twenty-eighth, one thousand eight hundred and sixteen; also, the "act to extend for a limited time the charter of the Bank of Illinois, at Shawneetown," approved February twelfth, one thousand eight hundred and thirty-five; also, an act supplemental to an act entitled "an act to incorporate the president, directors and company of the Bank of Illinois, at Shawneetown," approved February twenty-eighth, one thousand eight hundred and thirty-seven, be and the same are hereby repealed; and the estate of said bank, real and personal, shall not revert, but shall vest in three commissioners to be appointed in the manner hereinafter provided; and all liabilities of said bank to creditors, shall henceforth attach to said commissioners, and all debts due or liabilities incurred to said bank, shall be deemed to be due and performable to said commissioners.

Charter of the Bank of Illinois and all the acts supplementary thereto repealed
Estate and property of bank not to exist but to be vested in com'rs &c

SEC. 2. That the Governor by and with the advice and consent of the Senate, shall appoint three commissioners, who shall have the power and perform the duties hereinafter required of them; and to be called the Commissioners of the Bank of Illinois, and who shall be commissioned by the Governor; the said commissioners shall continue in office for the term of two years, unless sooner removed by the Governor for good cause, to be communicated to the next session of the General Assembly; and the said commissioners shall receive the sum of three dollars per day for their services, the number of days to be ascertained by affidavit of said commissioners, and allowed by the Governor.

Gov. to appoint three com'rs
Their compensation

SEC. 3. The said commissioners, before they enter upon the discharge of the duties of their office, shall take and subscribe

Com'rs shall take oath

And enter in-
to bonds

the following oath or affirmation: "I do solemnly swear (or affirm) that I am in no wise interested in the Bank of Illinois at Shawneetown, either as a creditor, debtor or stockholder, and that I will faithfully and truly perform all the duties of the office of bank commissioner of the Bank of Illinois, according to law, and according to the best of my ability;" which affidavit or affirmation, in writing, shall be filed with the Secretary of State; and the said commissioners shall also be required, before they enter upon the duties of their respective offices, each to enter into bond to the Governor of the State, and to his successors in office, for the use of any person now, or who may hereafter become interested, in the sum of fifty thousand dollars, with good security, to be approved by the Governor and some two justices of the supreme court, and to be filed in the office of the Secretary of State; the said bonds shall be conditioned for the faithful performance of duty by the said commissioners respectively, and to render a just and true account of their actings and doings in their said offices, and to pay over all monies which may appear to be due to any person or persons interested in said bank, as creditors, stockholders, or otherwise.

Duty of com-
missioners

SEC. 4. The said commissioners, or either of them, are hereby required, immediately after they shall have been qualified as aforesaid, to proceed to Shawneetown, and to any other place where the said bank has a branch bank located, and shall then and there take possession of the banking house of said bank or branches; and also, of all the goods, chattels, title papers, credits, effects, cash, and bank bills, belonging to said bank, wheresoever the same may be found.

Their power
& authority

SEC. 5. The said commissioners, or either of them, if obstructed in the execution of the powers vested in them by virtue of this act, shall have authority to call upon the sheriff, coroner, or any constable of the proper county, who is hereby required to assist said commissioner or commissioners and to call to his aid the power of the county; and if any officer or agent of said bank, or any other person or persons, shall wilfully resist or hinder, or in anywise obstruct the said commissioner or commissioners, or any other person or persons called to his or their aid as aforesaid, in the performance of any of the duties imposed upon them by this act, or shall embezzle, secrete, or in any manner remove any of the books, papers or funds of said bank, in order to place the same beyond the reach of said commissioners, he or they shall be deemed guilty of felony; and on conviction thereof, shall be imprisoned in the penitentiary for a term not exceeding ten years.

Penalty for
obstructing
com'rs in dis-
charge of their
duties

Com'rs may
swear witnes-
ses, send for
persons and
papers, sue &
be sued, col-
lect debts, sell
the real es-
tate of bank

SEC. 6. The said commissioners shall have power to inquire into the state and condition of said bank, by summoning, attaching and swearing witnesses, and by sending for persons and papers, and requiring the production of the same by attachment; and the said commissioners shall sue and be sued by the name and style of the Commissioners of the Bank of Illinois, and service of process on either one of them shall be

sufficient service; and they shall proceed to collect the debts due said bank, and sell the real estate belonging thereto, under such restrictions and regulations as are hereafter provided for, and the debtors to said bank shall have a right to renew their notes to said commissioners whether the same shall be reduced to judgment or otherwise, by paying one-fifth part of the sum due or owing, with interest and costs if any, and giving good security for the residue, every seven months.

SEC. 7. The said commissioners shall proceed to take an account of all the gold and silver on hand and of the amount due to note holders and depositors, and to other creditors except stockholders on account of stock, and shall, as soon thereafter as the certificates hereinafter mentioned can be engraved and prepared, proceed to pay out specie to such creditors, *pro rata*, at the counter of the principal bank, as fast as such demands shall be presented for payment, and shall issue certificates, not bearing interest for the residue of the debts, upon delivery of the notes presented as a receipt against such other demand; the said commissioners shall, from time to time as they may collect specie funds, declare a dividend payable on said certificates, and shall give notice thereof in the State paper; the certificates aforesaid shall be received by said commissioners in payment of any debts due the said bank, and in payment for any real estate sold by said commissioners, or for the redemption of any lands sold under execution at the suit of the said bank or said commissioners, and shall entitle the holder thereof to receive such dividend as aforesaid.

Shall take an account of the specie due to creditors

Pay out the specie *pro rata* to creditors

Shall declare dividends & receive certificates in payment of debts

SEC. 8. The said commissioners, in selling the real estate of said bank, shall not sell any of the same for less than two-thirds of its value, to be ascertained by the appraisal of three householders, under oath, to be appointed by the judge of the circuit court, of the county where such real estate may be situated; nor shall any of the real estate of said bank be sold on execution or otherwise, for less than two-thirds of its value to be ascertained in like manner.

Real estate not sold for less than two thirds its appraised value

SEC. 9. The said commissioners shall not sell or otherwise dispose of any State indebtedness, of the State of Illinois, which may come into their possession, until they have applied all the assets of the bank which can be made available for the payment of debts, but shall hold and retain the said indebtedness for the purpose of indemnifying the State for the stock she now holds in said bank; *Provided*, that nothing in this section contained shall be so construed as to prevent the State from obtaining her full dividend, in proportion to the stock she now holds, at the final settlement of said bank; *And provided, also*, that said commissioners shall not sell or dispose of the evidences of State indebtedness below their par value.

State indebtedness to the bank not to be sold until other assets of the bank are exhausted

State shall be entitled to her dividend on her stock

SEC. 10. The said commissioners shall proceed, with all possible despatch, to make a final settlement of the affairs of said bank, and shall make monthly reports of their proceedings to

Com'rs to make monthly reports to the Governor

May appoint
a clerk

Com'rs may
retain \$10,000
to defray ex-
penses &c

Penalty for
embezzling
money

Gov. may fill
vacancies

Att'y Gen'l
circuit att'ys
&c to render
services free
of charge

the Governor, and the same shall be published in the paper published by the public printer without charge; and said commissioners shall have power to appoint a clerk to their board, prescribe his duties and fix his compensation whenever the public good may, in their opinion, demand such appointment.

SEC. 11. The said commissioners are hereby authorized to retain the sum of ten thousand dollars of cash in said bank, to pay taxes on real estate, and to pay other necessary expenses of winding up the said bank; and the per diem of said commissioners and clerk shall be considered a part of said necessary expenses.

SEC. 12. If any of the said commissioners shall embezzle any of the effects or property of said bank, real or personal, or shall render a false account of their proceedings, or shall refuse to pay over monies in their hands to any person or persons entitled to the same, such commissioner shall be adjudged to be guilty of felony, and shall, upon conviction, be punished by confinement in the penitentiary, for any term not exceeding ten years.

SEC. 13. The Governor may fill any vacancy which may happen in the board of commissioners aforesaid, by death, resignation or removal.

SEC. 14. The Attorney General, circuit attorneys, and clerks of courts, and officers charged with the execution of process, shall, upon request of said commissioners or any one of them, render their services in all cases arising under this act, without charge to the State, as a part of their official duty; any law to the contrary notwithstanding.

SEC. 15. This act to be in force from and after the third day of March next.

APPROVED, February 25th, 1843.

In force,
Feb. 25, 1843.

AN ACT to reduce the public debt one million of dollars, and to put the Bank of Illinois into liquidation.

Governor
may sell the
State stock in
the Bank of
Illinois

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Governor shall be authorised to negotiate a sale of the stock held by the State in the "Bank of Illinois" to said bank, upon the following terms: that is to say, that the bank shall surrender to the Governor for the use of the State, as an equivalent for said stock, an amount of the liabilities of the State equal on their face to the sum of one million of dollars; one half of said amount to be surrendered as aforesaid within five days after the passage of this act, and the residue, with six per cent. interest thereon from the date of sale, within twelve months after the passage hereof.

SEC. 2. If the Governor shall sell the stock of the State, as aforesaid, he shall, upon the receipt of the first half of the con-

sideration therefor, as aforesaid, assign to the bank for the use of the private stockholders therein, one half of the stock of the State in said institution, and an undivided half of all the interest and right of the State in the choses in action, moneys, and property of the bank, both real and personal, but the residue of said stock shall be subject to a lien in favor of the State until the residue of the consideration therefor shall be fully paid and discharged, and if the bank shall pay the residue of said consideration at the time appointed in the preceding section, then the said residue of the State stock, and all the rights and interests of the State in the choses in action, moneys, and property of the bank, both real and personal, shall be assigned thereto by the Governor, as and for the use aforesaid, but if the bank shall fail to make payment as aforesaid, then the said residue of stock shall revert to and be held by the State in the same right in which it is now held, and in case of such reversion it shall be the duty of the Governor thereupon to sell and assign the same with all the right and interest of the State in the property of the bank, both real and personal, and in its choses in action, to any person or persons who will purchase the same and pay therefor an amount in the liabilities of the State equal on their face to the sum of five hundred thousand dollars, and the purchaser or purchasers of said stock shall be entitled to elect and have the three directors provided for on behalf of the State, in the third section of this act, who shall be elected by the said purchaser or purchasers of the said stock, according to the usage of the bank in that respect; *Provided*, that if the bank shall make default in paying the residue of the consideration for the stock of the State as aforesaid, the bank shall forfeit to the State an amount of money equal to the interest upon five hundred thousand dollars for twelve months, at the rate of six per cent per annum, which shall be paid by the bank to the State in addition to any dividends and profits which the State may be entitled to under the provisions of this act, upon the final settlement of its affairs.

Upon such sale being made he shall make an assignment

If the Bank of Illinois fails to pay for the stock Governor may sell the same to any person and receive the amount in State liabilities

Rights of the purchasers of said stock &c

Forfeiture on the part of the bank in case of failure to pay

SEC. 3. Upon the receipt of the first half of the consideration for the stock of the State as aforesaid, the directory of the bank shall be reduced to eight in number, three of whom shall be appointed by the Governor and senate, whose tenures of office shall be the same as now provided by law, and five by the private stockholders of the bank, according to usage in that respect; *Provided*, that the directors on the part of the State shall be forever withdrawn from the bank upon full payment being made by the bank for the stock of the State as aforesaid.

Directory of the bank reduced

SEC. 4. If the bank shall accept of the provisions of this act under its corporate seal, within thirty days after the passage hereof, to be filed in the office of the Secretary of State, then and in that case it shall go into liquidation, and be finally wound up according to the rules and regulations hereby established.

Bank to go into liquidation

Governor to
appoint a
commissioner

Who shall
give bond

And take
oath

Compensa-
tion

Bank shall
pay out all its
specie pro
rata upon its
indebtedness
except to
stockholders

And give cer-
tificates for
residue

Certificates
not to be less
than ten
dollars

Bank hereaf-
ter not to do
any banking
business

SEC. 5. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint a commissioner, to be styled "the Commissioner of the Bank of Illinois," who shall be commissioned by the Governor, and, under his direction, shall enter into bond with approved security in the penal sum of one hundred thousand dollars to the Governor, for the use of all persons interested or to be interested, conditioned for the faithful performance of the duties of his office according to law, and who shall also before entering upon the duties of his said office, be sworn faithfully and truly to perform the duties thereof, which oath shall be in writing, and be filed in the office of Secretary of State; said commissioner shall receive such compensation for services actually performed, not exceeding three dollars per day, as may be allowed by the Governor, and shall hold his office for two years unless sooner removed by the Governor for good cause, to be reported to the next General Assembly, and in case of such removal, the Governor shall have power to fill the vacancy by an appointment to endure until the next succeeding session of the General Assembly.

SEC. 6. The Bank of Illinois shall go into liquidation within thirty days after the passage of this act, and, at the end of that time, shall pay out all its specie on hand except fifteen thousand dollars; the said payments of specie shall be made at the counter of the principal bank at Shawneetown, *pro rata*, that is, proportionably on all its liabilities and indebtedness, whether of the principal bank or branches except upon its indebtedness to stockholders as the same may be presented for payment, and shall annually thereafter pay out the specie found on hand, except the fifteen thousand dollars reserved as aforesaid, in manner aforesaid, including like payments upon the certificates of balances hereinafter provided for, except to stockholders as aforesaid; and the said bank shall make and deliver certificates, signed by the president and cashier, to each creditor for the residue of his debt after deducting the payment in specie, from the whole amount of such debt, which certificate shall be registered by the commissioner aforesaid, in a book by him kept for that purpose; said certificates shall be issued for such sums, not less than ten dollars, as will suit the convenience of the creditors of the bank, and shall be received in payment of any debt due or to become due to the bank, and in payment for any real estate purchased or to be purchased of the bank, and in redemption of any lands sold or to be sold, and bought or to be bought by the bank on execution, but the bank shall not, directly or indirectly, purchase any of the certificates issued under the provisions of this act.

SEC. 7. The said bank shall not in future discount any note, lend any money, buy or sell any bill of exchange, issue any paper for circulation or receive any deposits, or do any other act usually done by banks, but shall confine all its operations to winding up its affairs, collecting and securing its debts,

paying the debts of the bank, selling its real and personal estate, issuing the certificates for balances, provided for in the sixth section of this act, and to renewing the notes of its debtors from time to time, upon the payment of one-fifth part each time, and to suing and being sued, in relation to all its dealings; for which purpose, and for no others whatever, the charter of said bank is continued for the term of four years from the fourth day of March, A. D. one thousand eight hundred and forty-three; *Provided*, that if the said bank accepts the provisions of this act the charter of the same shall be and is hereby repealed at and upon the expiration of the said term of four years from the fourth day of March as aforesaid.

Only to wind up its affairs
And renew its notes &c.

For this purpose the charter is continued four years

Proviso
Charter repealed after four years

SEC. 8. The aforesaid creditors of the bank shall, before they shall be entitled to receive the certificates aforesaid, deliver up to the bank all notes and other evidences of debt held by them, and receipt for all judgments and other demands in favor of such creditors against the said bank.

Creditors to deliver up bank notes & other evidences of indebtedness

SEC. 9. The bank commissioner aforesaid shall superintend the proceedings of said bank, and shall exercise due vigilance over the proceedings of the same, and for that purpose he shall have free access to the books, papers, vouchers, vaults, and cash of said bank, and shall have power in prosecuting his enquiries to administer an oath to the president, directors, cashiers, tellers, clerks, and all other persons, and compel them or either of them to testify in relation to the said bank, or in relation to any matter or thing touching the proceedings of its officers, affecting the interest of the State, the creditors of the bank, or of the stockholders; and upon the refusal of any of them to be sworn or testify, he shall have power to issue his warrant to any sheriff, and commit such president, cashier, clerk, teller, or other person to the common jail of the county, until he or they shall consent to be sworn or testify, as the case may be; and if the said commissioner shall at any time discover that any dishonest practices are countenanced by said bank, or any of its officers, in the management of its business, or that it is about to violate any provision of law, then the said commissioner shall immediately certify the fact to some justice of the Supreme Court, whose duty it shall thereupon be to issue an injunction against said bank, which shall be executed as in other cases, and made returnable to the circuit court of Gallatin county, sitting as a court of chancery, and shall be proceeded in as in other cases in chancery, except that the said circuit court of Gallatin county, on the chancery side thereof, shall always be and remain open to hear causes arising under this act. The injunction to be issued shall absolutely restrain the said bank and all officers and persons connected with it from doing any act whatever in relation to the matter enjoined until the further order of the said court. The judge who issued the injunction shall appoint a day for the hearing of the cause, not exceeding ten days after the date of the writ, and he or any other judge may hold the

Powers and duties of bank commissioner

Duty of commissioner in case any of the provisions of this act are about to be violated

Judge to appoint a day for the hearing not less than ten days

Hearing how
conducted

court for that purpose. No depositions shall be required to be taken, but witnesses may be sworn, and their evidences heard in open court, and upon a hearing of the cause the judge shall have power to alter, modify, or dissolve the injunction or make it perpetual; and if it shall appear that the bank has violated any provisions of this act, or if it should manifestly appear that the creditors or stockholders will be defrauded, then the said court shall have power to decree a forfeiture of the charter of the said bank.

If the bank
shall forfeit
its charter its
real & personal
estate shall
not thereby
be forfeited

SEC. 10. If the said bank shall forfeit its charter, as aforesaid, it shall not thereby forfeit any of its personal effects; its lands shall not revert, nor shall it be released from any liability, nor shall any person be released from liability to the bank, nor shall any security for the payment of money, either to or from the bank, be in any wise impaired or violated, but the said court or judges shall appoint three honest and capable men to act as the receivers of said bank, who shall execute bonds with approved security, conditioned for the faithful, true, and diligent performance of the duties of their appointment, and who shall take and subscribe the following oath:

Receivers to
be appointed
who shall give
bonds & take
oath

"I do solemnly swear (or affirm) that I will faithfully, truly, and diligently perform the duties of receiver of the bank of Illinois;" which bonds and oaths shall be filed in the office of the Auditor of Public Accounts. Said receivers shall have power and perform the duties of receivers, as in other cases, and shall proceed in the management of the affairs of said bank, in collecting and paying its debts, in selling its real estate and other property, according to such rules and regulations, not inconsistent with law, as shall be made by such court or judge in that behalf, except that the specie shall be paid out *pro rata* to creditors; and in collecting the debts due the bank, the debtor shall have the right to renew the evidence of his indebtedness, with security, upon the payment of one-fifth part of his debt every seven months. The said receivers shall not sell any real or personal property of the bank for less than two-thirds of its appraised value, to be ascertained by the appraisal of three householders, or a majority of them, on oath, to be appointed by the judge of the circuit court of the county where the property may be situated; all payments to be made by the receivers shall be made *pro rata* amongst the creditors, who, upon giving up their demands to the receivers, shall receive a certificate for the residue of their claims, which certificate shall be received as is provided in the sixth section of this act.

Powers and
duties of re-
ceivers

In what man-
ner debts shall
be collected

SEC. 11. The said bank, in collecting its debts, shall not collect more than one-fifth part of the debt at any one time of any debtor who will pay the said fifth part, and all interest, whether the debt exist by judgment or otherwise, and renew his note or other liability, with security, to be paid in seven months; *Provided*, that the bank shall not hereafter be allowed to charge a greater rate of interest than six per cent. per annum on the renewal of any note.

SEC. 12. The real estate of said bank shall be appraised by three householders, or a majority of them, on oath, to be appointed by the judge of the circuit court of the county where the real estate may be situated; said real estate, when so appraised, shall be subject to sale, and shall be sold whenever thereafter the appraised value shall be offered for the same; the real estate of the said bank shall not be sold on execution for less than two-thirds of its appraised value, to be ascertained as aforesaid. No debtor of the bank shall be garnisheed by any holder of the certificates authorised to be issued to creditors under the provisions of this act.

Real estate of the bank to be appraised and sold at its appraised value

Real estate how sold

Debtors not garnisheed

SEC. 13. The said bank shall be required to abolish all its branches, and the notes issued by said branches shall be payable at the principal bank.

Branches abolished

SEC. 14. If the bank shall fail to make full payment for the stock of the State; and any part of the same shall revert to the State, and shall not be afterwards sold by the State, as herein provided for, it shall be the duty of said commissioner to see that the State, as the holder of so much stock, shall receive its *pro rata* share of the dividends and profits of the bank, if any there shall be, and also the amount of any forfeiture which may accrue to the State under the provisions of this act, upon the final settlement of its affairs.

State to receive her share of dividends if bank fails to make payment of stock

SEC. 15. It shall be the duty of the Governor, upon the receipt of any of the liabilities of the State, under the provisions of this act, to cause the same to be registered by their numbers, amounts, and dates, in the office of Secretary of State, and shall then produce the same to be destroyed by fire in the presence of the General Assembly, if the same be in session, and if the General Assembly be not in session, to cause the same to be destroyed in like manner in the presence of the Auditor and Treasurer, and make report of his acting and doings in the premises to the next General Assembly.

State liabilities received of the bank to be registered & destroyed

SEC. 16. The certificate to be issued under the provisions of this act shall be in the following form: "This certificate for ——— dollars and ——— cents, will at all times be received by the Bank of Illinois in payment of any debt due the bank, and for any property which the bank may have for sale, and in redemption of any lands sold or to be sold under execution by the bank, and will also entitle the bearer to his due proportion of all dividends which may be made to the creditors of the bank.

Form of certificate

Cashier."

President.

SEC. 17. If the bank shall accept of the foregoing provisions of this act, and shall go into liquidation as aforesaid, then and in that case the provisions of an act entitled "an act to put the Bank of Illinois into liquidation," shall be suspended for and during the term of four years from and after the fourth day of March, A. D. one thousand eight hundred and forty-three, and no longer, and for the purpose of enabling the bank to signify

Act to put the Bank of Ills. into liquidation suspended

such acceptance and to go into liquidation as aforesaid, the operation of the provisions of the act, the title of which is above recited, shall be and the same are hereby suspended for the period of thirty days from and after the passage hereof.

APPROVED, February 25th, 1843.

In force,
Mar. 4, 1843.

AN ACT in relation to the specie in the Bank of Illinois at Shawneetown.

Specie in
Bank of Ills.
not liable to
execution

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no execution against the president, directors, and company of the Bank of Illinois, commonly called the Shawneetown Bank, or against said bank shall be levied upon any of the specie of the bank, unless the officers of said bank shall refuse, for an unreasonable length of time, to pay out its specie *pro rata* to its creditors, according to the provisions of "an act to reduce the public debt one million of dollars, and to put the Bank of Illinois into liquidation," approved the twenty-fifth day of February, one thousand eight hundred and forty-three. Said specie shall be exempt from any and all executions now in existence, or hereafter to issue against said bank, upon the terms and conditions aforesaid, any law of this State to the contrary notwithstanding.

APPROVED, March 4th, 1843.

In force,
Mar. 4, 1843.

AN ACT to repeal the the charter of the Bank of Cairo.

Cairo Bank
charter re-
pealed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the provisions of an act entitled "an act to incorporate the city and Bank of Cairo," approved January 9th, 1818, which grant to certain persons therein named and to others who may become stockholders in the Bank of Cairo, the privilege of banking and issuing notes as a currency, are and the same are hereby repealed.

Property of,
vest in com'r

SEC. 2. All the property, real and personal, and the choses in action of said bank, shall vest, by virtue of this act, in one commissioner or trustee, to be appointed in the manner hereafter provided for.

Gov. to ap-
point com'r

SEC. 3. The Governor shall, by and with the advice and consent of the Senate, appoint one commissioner who shall be commissioned by the Governor, to be called the Commissioner of the Bank of Cairo, and who shall, before he enters upon the discharge of the duties of his office, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I am in no wise interested in the Bank of Cairo either as a creditor, debtor or stockholder, and that I will truly and faithfully perform all the duties of my office of Bank Commissioner of the Bank of Cairo, according to law and ac-

His oath

ording to the best of my ability;" which oath or affirmation shall be filed with the Secretary of State.

SEC. 4. The said commissioner shall also be required, before he enters upon the performance of the duties of his office, to enter into bond to the Governor of the State, and to his successors in office, for the use of any person now, or who may hereafter become interested, in the sum of twenty thousand dollars each, with good security to be approved by the Governor, and to be filed in the office of the Secretary of State; the said bond shall be conditioned for the faithful performance of duty by said commissioner, and to render a just and true account of his actings and doings in his said office, and to pay over all moneys which may appear to be due to any person or persons, whether creditors or stockholders of said bank. Com'r to give bonds

SEC. 5. If the said commissioner shall embezzle any of the effects or property of said bank, or shall render a false account of his proceedings, or shall refuse to pay over any moneys in his hands to any person or persons entitled to the same, such commissioner shall be adjudged to be guilty of felony; and shall, upon conviction, be punished by confinement in the penitentiary for a term not exceeding ten years. Penalty for embezzling funds

SEC. 6. Said commissioner shall, immediately after his appointment, proceed to Kaskaskia and take possession of the goods, chattels, rights, credits, effects, cash, and bank bills of said bank, wheresoever the same may be found; and shall also take possession of the banking house of said bank, in the said town of Kaskaskia; and if the said commissioner should be obstructed by any person or persons in the performance of the duties required to be performed by him, by virtue of this act, he shall call to his aid any sheriff, coroner, or constable, of the respective county, whose duty it shall be, if necessary, to call upon the power of the county to aid the said officers in the performance of their duty. Powers and duties of commissioners

SEC. 7. If any person or persons shall wilfully obstruct the commissioner in the performance of his duty, or obstruct any of the officers called to his aid under the provisions of this act, or shall embezzle any of the goods, chattels, effects, cash, or bank bills of said bank, or remove or secrete the same for the purpose of placing them beyond the control of the said commissioner, he or they shall be liable to be indicted, and upon conviction, shall be imprisoned in the penitentiary for a term not exceeding ten years. Penalty for obstructing com'rs

SEC. 8. The said commissioner shall have power to inquire into the state and condition of said bank, by summoning, attaching, and swearing witnesses, and by sending for persons and papers, and requiring the production of the same by attachment; and if any of the directors, officers, or agents of said bank, or other person shall refuse, without justifiable cause, to appear and testify when thereto required as aforesaid, such directors, officers, agents, or other, persons, shall be Special powers of com'rs

indictable; and upon conviction, shall be fined in any sum not less than one thousand dollars, and be imprisoned in the county jail for a term not less than one month.

SEC. 9. The said bank shall not be released from any liabilities to creditors, nor shall its real estate revert, nor shall any person be released from liability to said bank, nor shall any security for the payment of money or for the performance of any other matter to or by the bank, or any other person, be impaired by any thing contained in this act; the said commissioner shall sue and be sued by the name and style of the Commissioners of the Bank of Cairo, in all cases where the said bank might have sued or might have been sued, and he shall proceed to collect the debts due said bank, and sell the real estate belonging thereto, under such restrictions and regulations as are hereafter provided for; debtors shall have a right to renew their notes, whether the same shall be reduced to judgment or otherwise, by paying one-fifth part of the sum now due or owing, with interests and costs, if any, and giving good security for the residue every seven months.

Com'r to take
account of
specie

Pay out specie
pro rata

Issue certificates for the
residue

SEC. 10. The said commissioner shall take an account of any specie that may be on hand, and of the amount due to note holders and depositors, and to other creditors, except stockholders on account of stock, and shall proceed to pay out specie to such creditors, *pro rata*, at the counter of the bank, as fast as such demands shall be presented for payment, and shall issue certificates, not bearing interest, for the residue of the debts, upon the delivery of the notes as a receipt against such other demand; the certificates aforesaid shall be received in payment of any debt due the bank, and in payment for any real estate sold by said commissioner, and shall entitle the holder to receive his proportionable share of any dividend that may be declared by said commissioner.

Shall sell the
real estate

SEC. 11. The said commissioner, in selling the real estate of said bank, shall not sell any of the same for less than two-thirds of its value, to be ascertained by the appraisal of three householders, under oath, to be appointed by the judge of the circuit court of the county where such real estate may be situated, nor shall any of the real estate of said bank be sold on execution or otherwise, for less than two-thirds of its value, to be ascertained in like manner.

Shall enquire
into the manner
the bank
has been conducted

SEC. 12. The said commissioner shall make a thorough examination into the mode and manner in which the said bank has been managed by its officers, and if he discovers that any of the officers of said bank, or any of their agents, have, in any manner, violated the penal laws of this State, he shall cause them to be indicted and to be brought to punishment, and said commissioner shall proceed, with all possible despatch to make a final settlement of the affairs of said bank, and shall make monthly reports of his proceedings to the Governor, who shall cause them to be published by the public printer, if he deems it necessary.

SEC. 13. The said commissioner shall receive the sum of

three dollars per day, for his services, the number of days to be ascertained by affidavit of said commissioner, and allowed by the Governor, said salary to be paid out of the assets of said bank. His compensation

APPROVED, March 4th, 1843.

AN ACT to prohibit the reception of depreciated paper in payment of public dues. In force, Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That so much of all laws heretofore enacted, and now in force, as makes the notes of the Bank of the State of Illinois, and the Bank of Illinois, and the branches of said banks, receivable in payment of school, college and seminary debts, and interest, and in payment of the State and county revenue of this State, shall be and the same are hereby repealed. Notes of State Bank & Bank of Illinois not receivable in payment of public dues

SEC. 2. No warrants hereafter to be issued by the Auditor of Public Accounts, shall bear interest, but they shall be drawn upon the Treasurer of State and made payable to the person or persons in whose favor they may be drawn. Auditors warrants not to bear interest

SEC. 3. This act to be in force from and after its passage.

APPROVED, February 23d, 1843.

AN ACT authorizing the School Commissioner of La Salle county to dispose of depreciated bank notes belonging to the school fund. In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the school commissioner of La Salle county is hereby authorized, and it is hereby made his duty, to present the bills of the State Bank of Illinois in his possession, which have been reported to the county commissioners' court as belonging to the school fund of said county, and the several townships of said county, at the counter of said bank, and receive the *pro rata* share of specie due from said bank on the same, and the balance in certificates of indebtedness, such as the bank is authorized to issue, for balances due on her circulation. School com'r of La Salle co to dispose of certain depreciated paper

SEC. 2. The school commissioner shall, after he has received the certificates of indebtedness from said bank, dispose of the same at the highest price that shall be offered for the same during one month after such certificates shall have been advertised for sale four weeks, in the newspaper printed at the county seat of the aforesaid county. Also of certificates received of State Bank

SEC. 3. The provisions of the above act shall apply as well to the county commissioners of said county in the disposal of depreciated paper in the county treasury, as to the school commissioner. Also of depreciated paper in county treasury

SEC. 4. Depreciated paper of the banks shall be disposed of in like manner, as provided in the case of the certificates of the State Bank of Illinois.

Proceeds how
applied

SEC. 5. The proceeds of the depreciated bank paper in the county treasury shall be applied by the county commissioners, and paid out *pro rata* on all county orders presented to the county clerk, or for interest due on or before the first day of June, one thousand eight hundred and forty-three, any law to the contrary notwithstanding.

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843.

AN ACT to authorize the School Commissioners of Schuyler and Christian counties to dispose of any depreciated bank paper in their possession.

School com'rs
of Schuyler
& Christian
counties may
dispose of de-
preciated
funds

SEC. 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That the school commissioners of Christian and Schuyler counties, be and are hereby authorized to loan, on the best terms in their power, any note or notes of the State Bank of Illinois or the Bank of Illinois, which they may have received in payment of any debt or debts due the principal school fund of any township in said counties; *Provided, however*, that nothing herein contained shall authorize the loaning of said notes by the officer aforesaid at a greater discount than fifty per cent.

APPROVED, March 4th, 1843.

In force,
Jan. 28, 1843.

AN ACT in relation to official bonds.

Judge of cir-
cuit court re-
quired to exa-
mine bonds of
sheriff cor-
oner & clerk

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the presiding judge of the circuit court of each county in this State at every term of said circuit court, on the first day of the term, in open court to examine and enquire into the sufficiency of the official bonds of the sheriff, coroner, and clerk of the circuit court, and if it shall appear that any one or more of the securities on the official bond of any such sheriff, coroner, or clerk of the circuit court, has or have removed from the county, died or become insolvent, an order shall be entered of record, requiring such sheriff, coroner, or clerk of the circuit court, to file in the office of the clerk of the circuit court a new bond to be approved of and recorded as is now required by law, unless the number and pecuniary abilities of other securities on the bond shall be such as to satisfy the judge that the bond is sufficient, notwithstanding one or more of the securities may have removed, died, or become insolvent, or of doubtful solvency, in which case the bond in question may, in the discretion of said judge, be held to be sufficient.

New bond
when filed

Exception

SEC. 2. It shall be the duty of the county commissioners' court at the regular June and December terms of said court, in each year, on the first day of the term, in open court, to examine and enquire into the sufficiency of the official bond of each probate justice of the peace, justice of the peace, constable, collector, county treasurer, recorder, and clerk of the county commissioners' court, and if it shall appear that any one or more of the securities on the official bond of any such probate justice of the peace, justice of the peace, constable, collector, county treasurer, recorder, or clerk of the county commissioners' court, has or have removed from the county, died, or become insolvent, or of doubtful solvency, the said court shall cause such probate justice, justice of the peace, constable, collector, county treasurer, recorder, or clerk of the county commissioners' court to be summoned to appear before said court on a day fixed therein to show cause why he should not be required to give a new bond with security; and if at the appointed time, he should fail to satisfy the court as to the sufficiency of the present security, an order shall be entered of record requiring such probate justice of the peace, justice of the peace, constable, collector, county treasurer, recorder, and clerk of the county commissioners' court, to file in the office of the clerk of the county commissioners' court, within thirty days, a new bond to be approved of as is now required by law, unless the number and pecuniary ability of other securities on the bond shall be such as to satisfy the court that the bond is sufficient, notwithstanding one or more of the securities on said bond may be removed, dead, or insolvent, or of doubtful solvency; in which case the bond in question may, in the discretion of the court, be held to be sufficient.

SEC. 3. It shall be the duty of each probate justice of the peace, at two terms in each year, to be holden on the first Mondays in January and July, on the first day of the term, in open court, to examine and enquire into the sufficiency of the official bond of each executor, administrator, guardian, and of any other official bond that may be filed in his office, and if it shall appear that any one or more of the securities on the official bond of any such executor, administrator, guardian, or other officer, has or have removed from the county, died, or become insolvent, or of doubtful solvency, the said probate justice shall cause such executor, administrator, guardian, or other officer, to be summoned to appear before him on a day to be named in said summons, to show cause why he should not be required to give a new bond with security, and if at the appointed time he should fail to satisfy such probate justice of the sufficiency of the present security, an order shall be made on the records of the probate justice of the peace requiring such executor, administrator, guardian, or other officer, to file in the office of the probate justice a new bond, to be approved as is now required by law, unless the

County com'rs court to examine official bonds of other co. officers

Officer may be summoned to show cause why a new bond should not be filed

Failing to show cause an order to be made requiring new bond to be filed in 30 days

Exception

Probate justice to examine bonds of executors semi-annually

In what cases party may be summoned to show cause why he should not file new bond

Failing to show cause order to be made requiring the filing of a new bond

Exception number and pecuniary ability of other securities on the bond shall be such as to satisfy the court that [the] bond is sufficient, notwithstanding one or more of the securities on said bond may be removed, dead, or insolvent, in which case the bond in question may, in the discretion of the court, be held to be sufficient.

Persons interested may contest sufficiency of bond with officers **SEC. 4.** Any person having any pecuniary interest in the sufficiency of the official bond of any of the officers hereinbefore named may appear at the prescribed time and place, and shall be allowed to introduce any evidence legally conducing to prove the removal, death, or insolvency, or doubtful solvency of any security on such official bond, and the officer interested, or any of his securities, may also appear and introduce any evidence legally conducing to establish the sufficiency of such official bond.

Courts required to make a record of their examination of bonds **SEC. 5.** It shall be the duty of the respective courts above named to enter upon their respective records, at the times hereinbefore prescribed for an examination, that an examination and enquiry into the sufficiency of the official bonds, within their cognizance has been made, and that they severally are deemed sufficient or insufficient, as the facts may justify.

Officer failing to file bond vacates his office **SEC. 6.** If any officer hereinbefore enumerated shall fail to file a new bond within the prescribed time, when an order of the appropriate court entered of record shall require the filing of such new bond, the officer in default shall be deemed and held to have vacated his office, and the same steps shall be taken to fill such vacancy thus created as are now taken to fill a vacancy by the death or resignation of such officer.

APPROVED, January 28th, 1843.

In force, Mar. 2, 1843. **AN ACT** to provide for taking up, registering, and cancelling of State bonds and other evidences of State indebtedness.

Gov. to receive certain State bonds **SEC. 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the Governor be and he is hereby, and it is made a part of his duty to demand of and receive from all persons, bodies corporate or politic, such bonds as may have been placed in his or their possession for sale or other purposes, or which by any means may have come into their possession and remain unsold and not disposed of, and also to demand of and receive from all agents, State officers, bodies corporate or politic, or other persons, all bonds, scrip, or other evidences of State indebtedness which may have come into his or their hands in pursuance of any sale of any property, transfer, exchange, return, redemption, liquidation, or in any other manner by which the State may be entitled to the possession of the same.

SEC. 2. That when any bonds may be received by the Governor as contemplated in the first section of this act, which have not been filled up, signed, and disposed of, he shall cause the same to be filed in the office of Secretary of State; and when any bonds, scrip, or other evidence of State indebtedness may come into the possession of the Governor, or has heretofore come into his possession which have been sold or otherwise disposed of, he shall carefully cause the same to be registered in a book to be kept by the Secretary of State for that purpose, by their date, number, amount, to whom made payable, and by whom and to whom sold, and shall cause the word *cancelled* to be written across their face; and also, cause the same to be cancelled, stamped and filed in the office of the Secretary of State, and shall report the amount and description thereof at the commencement of the next session of the General Assembly thereafter. This act to be in force from and after its passage.

Gov. to cause
bonds to be
registered &
cancelled

APPROVED, March 2d, 1843.

AN ACT in relation to State bonds and other evidences of State indebtedness. In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons who now have, or shall hereafter have in their possession any State bonds, or any other evidences of State indebtedness, including blank bonds which have not been issued, or which have been issued and not been sold, or which have been sold and subsequently taken up, or which may hereafter be redeemed or taken up on behalf of the State, are hereby authorized and required to deliver over the same as soon as practicable to the Governor.

Certain State
bonds to be
delivered to
Governor

SEC. 2. It shall be the duty of the Governor, before the receipt of any of the aforesaid bonds or other evidences of State indebtedness, to cause the same to be registered by their numbers, dates, and amounts, in the office of the Secretary of State, and he shall then produce the same and destroy them by fire in the presence of the Auditor and Treasurer, and make report thereof to the present General Assembly, if in session, and if not in session, then to the next General Assembly.

Gov. shall
cause them to
be registered
and destroyed

SEC. 3. If any person, having in his possession any State bonds or other evidence of State indebtedness, shall, without authority of law, sell, or put in circulation the same, with intent to defraud the State or any person or persons, he shall be deemed guilty of felony, and on conviction thereof before a court of competent jurisdiction, shall be imprisoned in the penitentiary for a term not less than one year nor more than ten years.

Penalty for
fraudulently
putting State
bonds &c. into
circulation

APPROVED, March 3d, 1843.

In force, AN ACT to authorize the county court of Lawrence county to build a stone pier under the bridge across the Embarrass river, at the town of Lawrenceville.

Lawrence co. authorised to build stone pier
 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Lawrence county be and they are hereby authorized to cause to be erected and built a good and substantial stone pier under the bridge across the Embarrass river, at the town of Lawrenceville.

Plan of pier to be published
 SEC. 2. Said commissioners shall agree upon a plan for said pier and cause the same to be recorded, they shall cause a correct and true description in writing of the plan of building said pier to be posted up in the clerk's office of said county, at least thirty days previous to letting any contract for the building of said pier; and shall cause written notices to be posted up in at least six of the most public places in the county, for a period of not less than one month before entering into contract for the materials or building of said pier, stating therein that they will let to the lowest responsible bidder, at the court house in said town, on a day to be agreed upon by them, contracts for the delivery of the necessary materials; also, contracts for the mason work of said pier; *Provided*, that in making contracts said commissioners shall take a bond payable to the county of Lawrence, with good and sufficient security for the faithful performance of such contracts by the person or persons who may undertake the same, and within such time as may be agreed upon; *And provided further*, that in no case shall the commissioners make any payment to any person engaged in the said work, which shall exceed two-thirds of the value of work then performed, until the contract shall be completed and received by the commissioners; *And provided further*, that in the construction of said pier, it shall be so located as to leave the channel of said river, on at least one side of said pier, as much as forty-five feet in width, and that said commissioners shall cause the same to be kept free from drift wood and other obstructions for the free passage of flat or keel boats and other water craft.

Building let to lowest bidder
 Proviso
 Further proviso
 Channel 45 feet wide to be left open

APPROVED, February 3d, 1843.

In force, AN ACT supplementary to "an act authorizing Henry W. Cleaveland to build a bridge across the Winnebago swamp."

Former act how construed
 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That nothing contained in the act approved February the nineteenth, one thousand eight hundred and thirty-nine, authorizing Henry W. Cleaveland to build a toll bridge across the Winnebago swamp, shall not be so construed as to compel the said Cleaveland, his associates, &c., to use timber or stone in the erection of the

causeway across the Winnebago swamp only at such place or places where it is absolutely necessary.

SEC. 2. And it is further provided, that said Cleaveland, his associates, &c., may procure one disinterested householder of the county of Lee, in which said bridge and causeway is situated, to examine the same, and the county commissioners one, and the two so chosen shall choose a third, and if in their opinion the said bridge and causeway is completed according to the intent and meaning of the act authorizing the same as explained in the first section of this act, they shall file an affidavit thereof, in the clerk's office of the county of Lee, which shall be satisfactory evidence thereof until the contrary appears. This act to be in force from and after its passage.

APPROVED, February 3d, 1843.

AN ACT authorising the construction of a toll bridge across Rock river. In force, Feb. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Solomon Jenks, Alvan Leland, John J. Rhodes, their associates, heirs, and assigns, are hereby authorised to build a toll bridge across Rock river, in the county of Winnebago, and State of Illinois, at or near the northern line of township number forty-five north, and range number two east of the third principal meridian; said bridge to be so constructed as not to obstruct the navigation of Rock river.

SEC. 2. The rates of toll for passing over said bridge shall be such as may be fixed from time to time by the county commissioners' court of Winnebago county.

SEC. 3. Said bridge shall be completed within three years from and after the passage of this act, and shall at all times be kept in good repair, so as to admit of a safe passage for all persons and their property over it, on the payment of the toll herein provided for.

SEC. 4. In case said bridge shall be destroyed by high water, fire, or other casualty, it shall not create a forfeiture of the rights conferred by this act, but one year shall be allowed for the re-building thereof after the happening of such casualties.

SEC. 5. The county commissioners of Winnebago county shall be and they are hereby authorised to purchase said bridge by paying the cost thereof and six per cent. interest thereon, at any time within five years from the completion of said bridge, and at any time thereafter, by paying to the stockholders of said bridge the appraised value thereof; said value to be determined by three appraisers appointed, one by the stockholders and two by the the county commissioners of Winnebago county, whose decision, after being duly sworn faithfully to discharge the duties of appraisers, shall be final in the premises.

SEC. 6. This act to be in force from and after its passage.

APPROVED, February 6th, 1843.

In force,
Feb. 20, 1843.

AN ACT authorising the erection of a bridge across Rock river.

Location of
bridge

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Stephen Mack, Merrill E. Mack, and their associates, are hereby authorised to build a bridge across Rock river at Stephen Mack's ferry, in the county of Winnebago, and State of Illinois, and said bridge when completed and approved by the county commissioners of Winnebago county, is hereby declared a public highway, and shall be kept in good repair by the said county commissioners of Winnebago county.

Bridge not to
obstruct navi-
gation

SEC. 2. Said bridge to be so constructed as not to obstruct the navigation of said river. This act to take effect from and after its passage.

APPROVED, February 20, 1843.

In force,
Feb. 23, 1843.

AN ACT to authorise the county commissioners of Rock Island county to build a free bridge across Rock river.

Co. com'rs of
Rock Island
co. may build
a free bridge
across Rock
river

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Rock Island county be and they are hereby authorised to construct and build a free bridge across Rock river at some suitable place within four miles of its termination, which bridge shall at all times be free to all persons for the usual purposes of crossing, and the conveyance of all kinds of property across said river; *Provided,* said bridge shall be built with draws, or otherwise constructed so that at no time it shall obstruct or impede the navigation of the said river, and that the county of Rock Island shall be held responsible for any and all damages that any person or persons may sustain in the construction of said bridge, or may sustain in consequence thereof, at any time after its completion; which damages may be recovered in any court having competent jurisdiction. This act to be in force from and after its passage.

APPROVED, February 23, 1843.

In force,
Feb. 23, 1843.

AN ACT in relation to the bridge across Shoal Creek, in Clinton county.

Bridge over
Shoal creek
in Clinton co.
made a free
bridge

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the bridge across Shoal creek, in Clinton county, on the Great Western Mail route leading from Vincennes to St. Louis, shall be free for the passage of all persons and property, saving and reserving all rights which any person or persons may have in the materials of which said bridge is composed.

SEC. 2. Any person or persons, corporation or company who shall ask, demand, or receive any money or other things

for the passage of any person or property over the same, under any pretence whatever, shall forfeit for every such request, demand, or receipt of money or other things, to the person of whom asked, demanded, or received, the sum of twenty dollars, to be sued for and recovered before any justice of the peace, of any county in this State, with cost of suit, by action of debt. Penalty for demanding or receiving toll for crossing the same

APPROVED, February 23, 1843.

AN ACT authorising the erection of a bridge across Rock river, at Rockford. In force.
Feb. 27, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Daniel S. Haight, George Haskell, S. D. Preston, Charles J. Horsman, and their associates, be and are hereby authorised to build a bridge across Rock river Bridge across Rock river at Rockford, in the county of Winnebago, at or near where the State road through Rockford crosses Rock river.

SEC. 2. Said bridge to be built in a good and workman-like manner, and so constructed as not to obstruct the navigation of Rock river, and when completed and accepted by the county commissioners of Winnebago county, to be declared a public highway, and kept in repair by said county. Not to obstruct navigation

APPROVED, February 27, 1843.

AN ACT authorising the building of a bridge across Rock river. In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John F. Thayer, Thomas B. Talcott, John B. Peeterson, and their associates, be and are hereby authorised to build a bridge across Rock river, at or near the eastern line of the north-western quarter of section number twenty-four, in township number forty-six, north of the third principal meridian, in the county of Winnebago. J. B. Thayer & others authorised to build bridge across Rock river

SEC. 2. Said bridge shall be so constructed as not to obstruct the navigation of Rock river, and when completed and accepted by the county commissioners of Winnebago county, is hereby declared a public highway and shall be kept in repair by said county. Not to obstruct navigation

APPROVED, March 1st, 1843.

AN ACT to authorize the building of a bridge over the Pekatonica river in Stephenson county. In force.
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert McConnell,

R. McConnell his associates, and their assigns, are hereby authorized to build a toll bridge across the Pekatomica river, at or near the town of Pennsylvania, in the county of Stephenson; *Provided*, said bridge shall not interfere with the navigation of said river.

To be completed in three years

SEC. 2. The said bridge shall be begun and completed within three years from and after the passage of this act; and shall be constructed in a good and substantial manner so as to admit a safe and easy passage to all persons and their property wishing to cross said bridge.

The builder shall be allowed to receive such toll as the county com'rs shall fix

SEC. 3. After said bridge shall be completed, the said Robert McConnell, his associates, and their assigns are hereby authorized to ask and receive from each and every person passing said bridge, such toll as the county commissioners' court of said county shall fix from time to time.

County commissioners may purchase bridge

SEC. 4. When the county commissioners' court of the county of Stephenson deem it expedient to purchase said bridge, they shall have the right to do so, by paying to the said Robert McConnell, his associates, and their assigns the cost of said bridge, with six per cent; *Provided, however*, that after five years from the building of said bridge, the county commissioners' court shall have the privilege of purchasing said bridge by paying the value thereof; which value shall be ascertained by the valuation of three disinterested appraisers to be appointed as follows: the county commissioners' court shall appoint one, and Robert McConnell, his associates, and their assigns shall choose a second, and the two so chosen shall choose a third, and the men so chosen, after being sworn faithfully and impartially to appraise said bridge, shall value the same.

Value how ascertained

Bridge may be re-built if destroyed by accident

SEC. 5. That in case the said bridge shall be destroyed by high water, fire, or other casualty, it shall not create a forfeiture of the rights conferred by this act, but one year shall be allowed for the re-creation thereof after the happening of such destruction by any of the casualties named.

Penalty for injuring bridge

SEC. 6. If any person or persons shall wilfully do or cause to be done any injury to said bridge, the person or persons so offending shall forfeit and pay to the owner or owners of said bridge double the amount of such injury or damage, to be recovered before any court having jurisdiction, and be liable as in other cases to criminal prosecution.

APPROVED, March 1st, 1843.

In force,
March 3, 1843

AN ACT to incorporate the Rock River Bridge company.

Rock river bridge co. incorporated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all such persons as shall become subscribers to the stock hereinafter mentioned, shall be and they are hereby constituted and declared a body corporate and politic by the name and style of the Rock

River Bridge Company, for the purpose of erecting a bridge over Rock river, at Grand de Tour in the county of Ogle, and by that name and style are hereby made as capable in law as natural persons to contract and be contracted with, to sue and be ^{General pow-}sued, to plead and be impleaded in all courts of law and equity, ^{ers} to make and use a common seal, to alter or amend the same at pleasure, and generally to do and execute all acts, matters and things which a body corporate or politic, or an individual could or may lawfully do, and the said company shall, in law, be capable of purchasing, holding, and conveying any estate, real or personal, which may be necessary to enable such company to carry out the expressed objects of this corporation and none others; the chartered existence of said corporation shall cease at the expiration of twenty years from the passage of this act, and the stock thereof shall be deemed and considered personal property.

SEC. 2. The capital stock of said company shall be ten ^{Capital stock} thousand dollars, and be divided into shares of fifty dollars each, but said stock may hereafter be increased to any amount not exceeding twenty thousand dollars, should the said stockholders deem the said sum necessary to be by them expended in and about the erection of said bridge; and Solon Cumins, George Cushing and Salmon C. Cotton, of Ogle county, are hereby appointed commissioners to cause books for subscription to be opened at such times and places as the said commissioners, or a majority of them, may appoint by notice to be published at least four weeks in a newspaper printed at or nearest the place of opening said books of subscription. If the requisite number of shares shall not be subscribed at the time and places appointed for such subscription, said commissioners, ^{How taken} or a majority of them, shall take such measures for completing said subscription as they may deem expedient and proper. Every subscriber shall, at the time of subscribing, pay to said commissioners the sum of one dollar for each share subscribed, and the remainder in such sums and at such times as the board of directors hereafter created shall think will best promote the interest of said company.

SEC. 3. As soon as one half of the capital stock shall be subscribed, the commissioners, or a majority of them, shall give ^{Officers} notice to the stockholders in the manner aforesaid, to meet for the purpose of choosing a president, treasurer, and three directors, who shall hold their offices for one year from the first Monday in the month in which such election shall be held, or until their successors shall be appointed; and all subsequent elections shall be held annually, on the first Monday of the month in which the first election under this act shall be held, and at all elections held under this act, each share shall be entitled to one vote. The commissioners appointed to receive subscriptions to stock, or a majority of them, shall act as inspectors of the first election to be held under this act, and their

certificate of the names of persons elected shall be conclusive evidence of such election; and at all subsequent elections the president, treasurer and directors, or a majority of them, shall act as inspectors, and the said president, treasurer and directors, or a majority of them, shall have power to transact the business of the corporation, and to make such by-laws, rules and regulations as they shall deem expedient and proper for conducting the affairs of the corporation; *Provided*, the same be not repugnant to the constitution of the United States, and in conformity to the spirit of this act.

Navigation of river not obstructed SEC. 4. Said corporation, in the erection of said bridge, shall construct the same in such a manner as not to obstruct the navigation of said river, and shall commence the same within two years from the passage of this act, and finish the same within two years thereafter, or all the rights and privileges hereby granted shall be forfeited.

Bridge how constructed SEC. 5. The said bridge shall be constructed in a substantial and workman-like manner, and shall be kept in a good passable condition, so as to give a safe passage to all persons with their property over the same without unnecessary delay, upon the payment of the lawful toll, and if the said bridge shall be suffered to be out of repair so that the same shall be impassable for the space of sixty days at any one time, the rights and privileges hereby granted shall be forfeited; *Provided*, that the destruction of said bridge or any part thereof, by fire, high water, or other casualty, shall not work a forfeiture of this charter, of [if] the said company shall proceed immediately to repair said bridge and prosecute the same to completion without unnecessary delay.

Corporation may take tolls SEC. 6. Whenever the said bridge shall be completed, it shall be lawful for said corporation to erect a gate at the end of said bridge and demand and receive the same rates of toll as is now allowed by the county commissioners' court of Ogle county, to the ferry established by said court, at Grand de Tour; *Provided*, that all persons, citizens of Ogle county, in going to or returning from any muster or election, and all grand and petit jurors in going to and returning from courts, shall have a right and be permitted to cross said bridge free of toll.

Penalty for injuring bridge SEC. 7. If any person or persons shall wilfully or maliciously do, or cause to be done, any act whatsoever, whereby the said bridge, or any thing appertaining to the same, shall be impaired, injured, or destroyed, the said person or persons so offending shall forfeit and pay to the said corporation treble the amount of damages occasioned thereby, to be recovered by said corporation with costs of suit, in an action of trespass in any court having competent jurisdiction thereof.

Corporation of Grand de Tour or Ogle county may purchase bridge SEC. 8. At any time after the completion of said bridge the corporate authorities of Grand de Tour, or the county commissioners' court of Ogle county, shall have the right to purchase said bridge by making the same free to all persons

crossing the same, and paying to said corporation the cost of said bridge, and for the purpose of ascertaining the same the treasurer of said company shall keep a just and true account of all expenditures on account of said bridge and file a copy of the same, verified by oath, in the office of the clerk of the county commissioners' court of Ogle county, within three months after the erection of a gate or the reception of any toll for crossing said bridge.

APPROVED, March 3d, 1843.

AN ACT to authorise the County Commissioners of Stephenson county to assess the rates of toll on a certain bridge therein named. In force.
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the owners of the bridge at the town of Winslow, in Stephenson county, are hereby authorised to ask and receive from all persons passing said bridge, such toll as the county commissioners' court of said county may order from time to time; the said commissioners are hereby authorised to assess such rates of toll upon said bridge as may be reasonable and just. Co. com'rs to
fix the rate of
tolls for cross-
ing bridge

SEC. 2. Whenever the county commissioners of said county shall deem it expedient to purchase said bridge and make it free, they shall have the privilege to do so upon paying to the owners thereof the value of said bridge, to be ascertained by the valuation of three disinterested appraisers, to be appointed by said court, who shall be sworn to a faithful and impartial discharge of their duties as such appraisers. Co. com'rs
may purchase
said bridge

SEC. 3. If any person or persons shall wilfully do or cause to be done, any injury to said bridge, the person or persons so offending shall forfeit and pay to the owners of said bridge double the amount of such injury, to be recovered before any court having jurisdiction of the same. Penalty for
injuring
bridge

SEC. 4. The said bridge shall be deemed a public highway within the meaning of the laws providing for the punishment of injury, obstructing, or destroying public bridges, in any manner, or by any means whatever. This act to be in force from and after its passage. Bridge made
a public high-
way

APPROVED, March 4th, 1843.

AN ACT authorising the erection of a bridge over the Sangamon river. In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James F. Reed is hereby authorised to build the west abutment, and to finish the pier and the east abutment of the railroad bridge at Jamestown, across the Sangamon river, and that he be also permitted to spring a bridge on that part of said abutments, pier, or piers, Reed authori-
zed to build a
bridge, and
when

as was intended for a free pass, by act of the Legislature, "creating the system of Internal Improvement," and that portion of said abutments, and pier or piers, so finished by said Reed, intended for railroad purposes, the cost of finishing by Reed to be paid to said Reed by any company chartered to finish the Northern Cross Railroad; *Provided*, that the bridge so constructed shall not in any case interfere with the railroad crossing said Sangamon river.

Cost of finishing &c. SEC. 2. The said bridge is to be made of good materials built in a workman-like manner, and to be capable of bearing any wagon, carriage, or other weight usually crossed on bridges of the first class in this State, and after the said bridge is completed the citizens of the neighborhood on both sides of said bridge, shall have liberty to purchase of said Reed so much of the work done on the abutments, pier, or piers, by him, and the bridge spring over the same, at the cost of finishing by Reed, ten per cent. excepted, which the said Reed will discount to purchasers, to have it a free bridge. If the citizens will not buy said bridge, then the county commissioners of Sangamon county shall have the same privilege to purchase and the same discount as above. If they will not buy, then the said Reed will continue it a free bridge for one year from the completion thereof; *Provided*, that in all cases the said Reed shall use the abutments, pier or piers, constructed or partly constructed by him, for supports for the construction of water power, which the said Reed shall use for his own benefit; *Provided*, it will not injure any person or persons above said bridge. If the citizens or county commissioners will not purchase said bridge, and one year will have expired, after completion, then the county commissioners of Sangamon county will regulate the toll from time to time of said bridge, as they may think just, and after the bridge is completed, the said county commissioners shall have located and kept open good roads to intersect, on the east side of said bridge, with the Bloomington road, also with the Mechanicsburg and Decatur road, and on the west side there shall be a good road located to intersect the Springfield and Decatur road at some suitable point, so as to do as little injury to property as possible; *Provided, however*, that nothing in this act contained shall be so construed as to authorise said Reed to construct any dam at said point or above it, which shall at all elevate the water above its present level at low water mark, at the coal-bank ford, until after a bridge shall be erected at or near said coal-bank ford. This act to be in force from and after its passage.

To be capable of bearing wagons &c.

Citizens may purchase

Ten per cent. discount to have a free bridge

Proviso

Water power

Co. com's to regulate toll Roads to be located

Road located

No dam to be erected

APPROVED, March 4th, 1843.

In force, Mar. 4, 1843. AN ACT to authorise the building of a bridge across the Sangamon river

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty*

of the county commissioners' court of Sangamon county to cause to be erected across the Sangamon river, in said county, on the abutments now standing, at or near the point where the road leading from Springfield to Peoria crosses said river, a good and substantial bridge, to be used by the public free of charge.

Co. com'rs of Sangamon co. to build a bridge over Sangamon river

SEC. 2. That Elijah Iles and Levi Cantrill, of said county, are hereby appointed agents to carry into effect the first section of this act, whose duty it shall be to contract with some responsible person or persons immediately, to build a bridge across the Sangamon river as aforesaid; said bridge to be completed within twelve months from the date of the contract, and shall be paid for in the following manner, to wit: one thousand dollars in four months, one thousand dollars in twelve months, from the date of the contract, or so much sooner as said bridge shall be completed, and the balance at such time as the county commissioners' court shall deem best for the interest of the county. It is further made the duty of said agents, to take bond with good and sufficient security, for the faithful performance of the contract, and with a penalty sufficient to secure the completion of the work.

Agents appointed to carry the first section of this act into effect

SEC. 3. It shall be the duty of the county commissioners court to cause to be collected, in any manner they may think best, by loan or otherwise, the sum of two thousand dollars, which was donated to said county out of the sale of the Vermilion salines, for the improvement of the navigation of the Sangamon river, to aid in carrying into effect the first section of this act, and for paying the first and second instalments on said bridge, as provided for in the second section of this act.

1st & 2d instalments how paid

SEC. 4. If either of the agents, or both, appointed under the second section of this act, shall fail to act, it shall be the duty of the county commissioners' court to appoint another person or persons immediately, who shall forthwith enter upon the duties of his or their office. The agents appointed by this act, or by the court under the provisions of this act, shall receive for their services such compensation as the county commissioners' court may think reasonable and just. This act to take effect and be in force from and after its passage.

Co. com'rs to appoint agents in case the agents herein appointed refuse to act

APPROVED, March 4th, 1843.

AN ACT in relation to burying grounds, church yards, and lands used by literary institutions.

In force, Mar. 2, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of societies and corporations owning, using, and appropriating lands, not exceeding ten acres, for burying grounds, church grounds, and grounds for the use of literary institutions, to cause to be certified to the county commissioners' court of the proper county, by some credible person under oath, a full

Certain lands to be exempt from taxation

description of the lands by meets and bounds, in whom the title is, and for what purpose and use the land is held; and if it shall appear to said court that such land is not subject to taxation according to the revenue laws of this State, then that part shall be certified by said court to the Auditor of Public Accounts, and the land shall remain exempt from taxation so long as it continues to be used exclusively for the purposes aforesaid.

APPROVED, March 2d, 1843.

In force, Feb. 21, 1843. AN ACT to provide for the completion of the Illinois and Michigan Canal, and for the payment of the Canal debt.

Preamble WHEREAS, it has been represented that certain holders of the bonds of this State are willing to advance the necessary funds for the completion of the Illinois and Michigan Canal, upon being secured the payment of their said advances and of their said bonds, by a vested lien upon the said canal, lands and revenues; for the purpose, therefore, of accomplishing an object so desirable and beneficial to the said bond holders and the State:

Gov. authorized to negotiate a loan of \$1,600,000 on credit of canal &c. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of raising a fund for the completion of the Illinois and Michigan Canal, the Governor of this State be and hereby is fully authorized and empowered to negotiate a loan solely on the credit and pledge of the said canal, its tolls, revenues, and lands, to be granted to trustees, as hereinafter provided, of one million six hundred thousand dollars for a term not exceeding six years, and at a rate of interest not exceeding six per cent. per annum, payable out of the first moneys to be realized from the said canal, its lands, tolls, and revenues; the payment of interest and reimbursement of principal to be at such place within or without the United States, and payable in such currency, as may be agreed on.

Who are entitled first to subscribe for and take loan SEC. 2. The holders of canal bonds and other evidences of indebtedness of this State, issued for the purpose of aiding in the construction of the Illinois and Michigan Canal, or hereafter to be issued for work done, per centage, scaleage or damages, shall be first entitled to subscribe in proportion to the amount of bonds or other indebtedness held by them, and take the whole of the said loan; but if within a reasonable time, to be determined by the Governor, any of the said holders of canal bonds or indebtedness shall neglect or refuse to subscribe as aforesaid, the whole of the said loan may be subscribed for and taken by other holders of canal bonds or indebtedness; but if within a reasonable time, to be determined upon by the Governor, the holders of the said canal bonds or other evidences of indebtedness aforesaid, shall not subscribe

2d class entitled to said loan

Not taken by 1st or 2d class may be taken by any other persons

for and take the whole of the said loan, then and in that case, any other person or persons, body politic or corporate shall be entitled to subscribe for and take so much of the said loan as may remain unsubscribed for by the said holders of bonds or other evidences of debt aforesaid.

SEC. 3. After the said loan shall be subscribed for as aforesaid, there shall be appointed three discreet persons to constitute a board, to be known by the style and description of the "Board of Trustees of the Illinois and Michigan Canal;" one of the said trustees shall be appointed by the Governor of this State, and the other two shall be elected or appointed by the subscribers to the said loan, or the holders of the certificates authorized by this act, in manner and form as hereinafter mentioned. Whenever any vacancy shall occur in the said board of trustees, either by death or resignation, or from any other cause, said vacancy shall be filled by the Governor or holders of said certificates, to whom belonged the appointment of the trustees whose seat shall have become vacant as the case may be.

Board of trustees established

Gov. to appoint one and subscribers two of said trustees

Vacancy how filled

SEC. 4. The first election of trustees, by the subscribers to said loan under this act, shall be held at the canal office at Lockport, at such time as the Governor of this State shall appoint, under the direction of one of the judges of the Supreme Court of this State, who is hereby appointed inspector of the first election, and the two persons then elected as trustees by the said subscribers, and the person appointed trustee by the Governor, shall hold their offices for two years from the time of their said election or appointment and until others are elected.

Time & place of electing trustees by subscribers

Term of office of trustees

SEC. 5. Subsequent elections shall be held every two years at such time and place, and under the direction of such persons as a majority of the trustees for the time being, shall, by resolution, to be entered on their minutes appoint, and the shall hold their offices for two years and until others are elected in their stead.

Subsequent elections how conducted

SEC. 6. At the election of trustees under this act each stockholder shall be entitled to one vote for each and every one thousand dollars of stock held by him, and in all elections votes may be given in person or by proxy.

Number of votes for each stockholder

SEC. 7. All elections shall be by ballot, and the two who shall have the greatest number of votes shall be the two trustees duly elected by the said subscribers or holders of said certificates. At all such elections, the said subscribers or holders of said certificates, shall designate upon their ballots one of the persons voted for as president; and the person having the greatest number of votes as trustee and president, shall be one of the said trustees and president of said board.

Elections to be by ballot

President

SEC. 8. The said board of trustees of the Illinois and Michigan Canal, when duly appointed and elected as aforesaid, shall apportion their respective duties among themselves, and so far as is not incompatible with this act, shall possess all the

Powers and duties of trustees

Trustees to
take oath and
give bond

powers and perform all the duties conferred upon the Board of Commissioners of the Illinois and Michigan Canal by the act entitled "an act for the construction of the Illinois and Michigan Canal," approved January ninth, eighteen hundred and thirty-six, and the acts supplementary and amendatory thereto, and shall take an oath or affirmation, and give bonds with security for the faithful discharge of the duties imposed upon them by this act.

Disposition to
be made of
bonds &c.
when holders
become sub-
scribers for
said loan

SEC. 9. If the holders of any of the said canal bonds or other evidences of indebtedness issued for the purpose of aiding in the construction of the Illinois and Michigan Canal, shall become subscribers for the said loan or any part thereof, they shall, at the time of subscribing, file or cause to be filed with the Governor, a brief description of said bonds, or other evidences of indebtedness aforesaid owned by them, which description shall be deposited by the Governor in the office of Auditor of Public Accounts, in order that the evidences may be preserved to discriminate the holders who subscribed for the said loan and to identify the said bonds or other evidences of indebtedness aforesaid, that may in consequence be entitled to a priority of payment out of property and assets granted to the board of trustees as hereinafter provided.

Canal and canal
lands granted to
trustees as security
for the payment of
said loan and the
bonds &c. owned by
the subscribers to
said loan

SEC. 10. For the purpose of placing in the hands of trustees full and ample security for the payment of said loan authorized by this act, and the interest thereon, as well as for securing a preference in the payment of such of the canal bonds and other evidences of indebtedness issued by this State for the purpose of aiding in the construction of the Illinois and Michigan Canal as may be owned by the subscribers to the said loan, the State does hereby irrevocably grant to the said board of trustees of the Illinois and Michigan Canal the bed of the said Illinois and Michigan Canal, and the land over which the same passes, including its banks, margins, tow-paths, feeders, basins, right of way, locks, dams, water power, structures, stone excavated and stone and materials quarried, purchased, procured or collected for its construction; and all the property, right, title and interest of the State, of, in, and to the said canal, with all the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and also all the remaining lands and lots belonging to the said canal fund, or which hereafter may be given, granted, or donated by the General Government to the State, to aid in the construction of the said canal and the buildings and erections belonging to the State thereon situated; the said board of trustees to have, hold, possess and enjoy the same as fully and as absolutely in all respects, as the State now can or hereafter could do, for the uses, purposes and trusts hereinafter mentioned; but it is to be understood that all canal lands and lots heretofore sold by the board of commissioners upon which moneys are now due, or may hereafter become due, whether the said lands and lots be now forfeited or relinquished, or hereafter become forfeited or relinquished, shall be exempt from the

Canal lands
and lots here-
tofore sold
exempted
from said
grant

aforesaid provisions of this act, and the trustee herein provided to be appointed by the Governor, or any other officer, or officers, having the management of the affairs of the canal, until said trustee be appointed on the part of the State, is hereby authorized and required to settle all accounts due to contractors and others (except for such damages as are hereinafter provided for) by issuing certificates of indebtedness, which, together with the certificates of indebtedness, scrip, and acceptances heretofore issued by the said canal commissioners, shall be received by said trustee, or other officer or officers aforesaid in payment for said lots and lands whenever they may be presented for that purpose. The said lands and lots hereby reserved shall, within three months after the passage of this act, be appropriated as is provided in the thirteenth section of this act, and sold in accordance with the laws of this State regulating the sale of canal lands.

Accounts due
contractors &
others how
settled

SEC. 11. The subscribers to the said loan shall execute an agreement to and with the Governor of this State to pay the amount respectively subscribed to the said board of trustees, at such times and in such proportions as said trustees shall direct, and said agreement shall specify the manner in which said trustees shall give notice to the said subscriber of every call for a payment; *Provided*, that in case any subscriber under the provisions of this act shall fail, neglect, or refuse to pay any instalment at the time called for by said trustees, he shall forfeit all payments previously made and all benefits and advantages arising under the provisions of this act; *Provided, however*, that the said trustees shall be bound to make a call for at least one hundred thousand dollars per quarter for the first year after their appointment.

Subscribers to
enter into a-
greement with
Governor

Terms of a-
greement

Forfeiture on
failure to pay
instalment

SEC. 12. Whenever and as often as the said subscribers to the said loan shall make a payment of any portion of their subscriptions, in pursuance of a call of the said trustees, the said board of trustees by their president and secretary under the seal of said board, shall execute a certificate to each of the said subscribers for the amount paid by them on their respective subscriptions with one year's interest at the rate of six per cent. added to the principal, stipulating for the payment of the same within six years, with interest at the rate of six per cent. per annum, to be computed after one year from the date of said certificate, and to be paid semi-annually thereafter; the said principal and interest to be paid by the said trustees out of the first moneys to be realized by them from the Illinois and Michigan Canal, its assets, revenues, tolls, and lands granted to the said trustees by this act, which said certificate shall also be countersigned by the Governor, and the impress of the great seal of the State shall be affixed thereon by the Secretary of State.

Certificate to
be issued to
stockholders

Nature of
certificate

Principal and
interest how
paid

SEC. 13. The said board of trustees when appointed are hereby authorized to take possession of the said canal, lands, property, and assets, granted to them by this act, and proceed to complete the same. They are hereby authorized to make

Trustees to
proceed to
complete ca-
nal and how

such changes and alterations of the original plan of said canal as they may deem advisable, without reducing its present capacity, or materially changing its present location, having due regard to economy, permanency of the work, and an adequate supply of water at all seasons. None of the lots, lands or water powers so granted to the said trustees shall be sold until three months after the completion of the said canal; the said lots, lands and water powers shall then be offered for sale by the said trustees at public auction, in lots and legal sub-divisions once or oftener in each year for the four succeeding years; said sales to be made for cash or on credit in the manner prescribed in the act of the ninth of January, eighteen hundred and thirty-six. The said lands, lots and water power before they are offered for sale as aforesaid, shall be appraised by three disinterested persons, to be appointed by the judge of the circuit in which said lands, lots and water power are situated, who shall take an oath faithfully and impartially to discharge the duty of appraisers. Said lands, lots and water power, when so appraised, shall not be sold for less than the appraisement. After the expiration of the said four years, the said trustees shall expose the residue of said lands, which may remain on hand to sale at such times and in such manner as they may deem proper. The said board of trustees are authorized to convey lands and water powers sold by them as aforesaid, after the purchase for the same be fully paid, but not before; and the said lands and lots shall be exempt from taxation of every description by and under the authority of any law of this State until after the same shall have been sold and conveyed by the said trustees as aforesaid; *Provided, also*, that in the construction of the said canal no change shall be made in its location so as to direct the water power from canal lands; *Provided*, that in all cases where improvements were made upon the said canal lands or lots previous to the first day of February, eighteen hundred and forty-three, the owner of such improvements shall be entitled to purchase the said lands or lots on which said improvements are situated at an appraisement to be made as aforesaid without reference to said improvements.

SEC. 14. The said trustees shall proceed to the completion of the said canal in a good, substantial, and workman-like manner, so that the same shall, if practicable, be ready for use and navigation within two years and six months from the time this act goes into operation. The said trustees shall keep a just, full and accurate account of all the costs and expenditures of completing and superintending the said canal, and of the rents, issues, revenues and profits received by them from the said canal, and from the property granted to them by this act, and of the amounts received by them under the said loan, and shall annually make a report to the Governor, in manner and form specified in the forty-third section of the said act of January ninth, eighteen hundred and thirty-six; *Provided*, that in case the subscribers, under the provisions of this act, shall fail

No lots, &c. to be sold till three months after the completion of canal

Lots &c. to be sold at public auction

Terms of sale

Appraisment of property to be sold

After four years trustees may sell lands at discretion

Trustees authorized to execute conveyances

Water power not to be diverted from canal lands

Provision for persons who have made improvements on canal lands

Canal when and how to be completed

Trustees required to keep account of their transactions

Shall report to Governor

In case of failure to complete canal in 3 years lands &c. to revert to State

or neglect to complete the said canal, within three years after this act goes into operation, then and in such case, the lands and property hereby granted to said trustees shall revert to the State.

SEC. 15. The said board of trustees shall annually establish a tariff of tolls to be paid for transportation upon said canal, (but the Legislature hereby reserves the right to increase the tolls with a view to an increase of revenue, but shall not reduce the same without the consent of the trustees,) and are hereby fully authorised and empowered to collect the same, and from time to time to make, ordain and establish such reasonable rules, by-laws, and regulations in relation to the collection of tolls, the transportation upon the canal, the conduct of boats and rafts, and the general police of the said canal, as are usual, or may be found necessary, and to enforce the observance of the same; and that said canal, when completed, shall in all future time be free for the transportation of the troops of the United States and their munitions of war, without the payment of any toll whatever.

Trustees to
establish
rates of toll

Rules, by-
laws

SEC. 16. After the completion of the said canal as aforesaid, the said board of trustees shall make annual dividends of the moneys which shall come to their hands from the said canal, its assets, tolls, revenues, and lands granted to the said trustees by this act, after payment of incidental expenses, among the holders of the bonds of this State, in the following order: first, the said board of trustees shall annually make a *pro rata* dividend on payment of said moneys on the certificates given to the subscribers, to the loan authorised by this act, until said certificates and interest thereon are fully paid. Second, the said trustees shall then make annual dividends and payments of said money upon the interest due upon the bonds, and other evidences of indebtedness held by the subscribers to the said loan, a description whereof shall have been filed with the Governor, as provided in the ninth section of this act, until the interest thereon is fully paid. Third, the said trustees shall then make annual dividends and payments of said money upon the interest due to the non-subscribing holders of bonds, or other evidences of canal indebtedness. Fourth, after paying all interest due such non-subscribing bond holders, the said trustees shall make annual dividends *pro rata* upon the principal of the bonds and other evidences of canal indebtedness, held by the subscribers to said loan, as provided for by the ninth section of this act, until the same shall be liquidated, at which time the trust hereby created shall cease, and the canal shall revert to the State, with all the appurtenances thereunto belonging; *Provided*, that the certificates of canal indebtedness, not stipulating on their face for the payment of interest, shall, when registered by subscribers to said loan, as hereinbefore provided, bear an interest of six per centum per annum, from and after they shall be so registered; *Provided, further*, that no appraisal shall be made for any damages arising under

Annual divid-
ends to be de-
clared

First, to hol-
ders of cer-
tificates

Second, to
subscribers to
said loan be-
ing the hold-
ers of bonds
&c.

Third, to the
non-subscri-
bing holders
of bonds in
payment of
interest

Fourth, to the
principal of
said bonds
&c.

Upon pay-
ment of all
debts canal to
revert to State

Interest al-
lowed on cer-
tain certi-
ficates

No appraisal to be made for any damages unless the contractor consents to relinquish prospective damages . the provisions of any contract entered into in pursuance of an act for the construction of the Illinois and Michigan Canal, unless the contractor or contractors interested therein, shall first signify his or their consent in writing. (which writing shall be deposited with the appraisers, to be filed in the Auditor's office,) that such appraisal of damages shall be made without allowing any prospective damages, or any profits which said contractor or contractors might have made, had they finished their jobs; but such contractor or contractors shall be allowed the value of their machinery upon the canal at the time the work stopped, and back per centage and scaleage, which entire amount of damages so allowed, to all contractors, shall not exceed the sum of two hundred and thirty thousand dollars.

Gov. to appoint appraisers to assess damages of contractors SEC. 17. The Governor is hereby authorised and empowered to appoint three discreet and skilful persons to go on to the jobs and lettings upon the canal, and appraise the actual damage which the respective contractors upon the said canal will sustain in being deprived of the same. Said appraisal shall be final and conclusive, unless appealed from. That if any person shall consider himself aggrieved by the decision of said appraisers, he may appeal from the same at any time within thirty days, to the circuit court of the county in which the job so appraised is situated. If the Governor shall be satisfied that the appraisal is fair and honest, he shall issue certificates of canal indebtedness, bearing interest at six per cent., to the persons in whose favor the appraisal shall be made, for the amount; the holders of which certificates shall be entitled to all the privileges conferred by this act upon the other holders of canal indebtedness; and the present contractors of the Illinois and Michigan Canal shall have the right to take the contract for the jobs which they now hold, at the estimate of the engineer to be appointed by said trustees, under such regulations and provisions as the said trustees shall direct.

Appeal allowed

Gov. to issue certificate for amount of appraisal

Present contractors may take the same job at engineer's estimate

Time when this act shall take effect.

SEC. 18. This act shall go into effect, and the said canal property and assets shall vest in the said trustees, as hereinbefore granted, whenever and as soon as the full amount of the said loan shall be subscribed for, and the trustees elected as hereinbefore provided; and when this act goes into effect, so much of the acts heretofore passed by the Legislature of this State in relation to the Illinois and Michigan Canal, and the canal lands and property, as conflicts with the provisions of this act, are hereby repealed.

Conflicting laws repealed

Upon fulfilment of trust canal property to revert to State

SEC. 19. Whenever the trust created by this act shall have been fully executed and performed by the said trustees, the said canal and the canal property that may then remain, shall revert to the State; and the State hereby reserves the right of paying off the bonds and certificates to be paid to the said trustees, and the incidental expenses paid by them, and the interest thereon; and the said trustees shall then resign the said canal, and the remaining canal property and assets to the State.

SEC. 20. This act shall be a public act, and shall be liberally construed in all courts of justice, and the State hereby solemnly pledges its faith to supply, by future legislation, all such defects as may be found necessary to enable the said trustees to carry into full effect the fair and obvious intent of this act.

SEC. 21. If, in consequence of any defect, omission, or objection to the foregoing act, the said bond holders or other persons shall neglect or refuse to subscribe for the said loan; in that case, the Governor is hereby authorised to negotiate, and enter into a contract with the said bond holders, or other persons, in pursuance of the general principles of this act; *Provided*, that he shall make no further pledge of the faith or credit of the State, for any advance of money, but shall be limited to pledging the canal and canal property therefor; *And provided further*, that in any negotiations to be made under the provisions of this act, for the purpose of carrying them into effect, nothing shall be done which shall in any wise interfere with the rights now secured to the holders of canal bonds. The Governor is hereby vested with all such power as may be necessary to carry this act into operation, or to make, or cause to be made, such negotiation.

SEC. 22. The said trustees shall employ a chief engineer of known and established character, for experience and integrity, who shall be subject to the direction of the trustees, but shall be required to execute a bond to the Governor in the sum of ten thousand dollars, to be approved by him, for the faithful performance of all the duties of an engineer, and shall be subject to be removed by the Governor for any good reasons which he shall make known to the next General Assembly. The said engineer shall, in addition, be required to take an oath, "that he will faithfully and impartially perform all the duties of his office without respect to persons, and that he is neither interested, nor will be interested in any job, work, or contracts, let or to be let on the canal, or connected therewith," which oath shall be entered and subscribed on the bond of said engineer.

APPROVED, February 21st, 1843.

AN ACT to authorise the canal commissioners to pay the back per centage on section 187. In force, Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the board of canal commissioners are hereby authorised and required to pay to George W. and William E. Armstrong, all the fifteen per centum retained by said canal commissioners for work done by said George W. and William E. Armstrong, under a contract of James G. Armstrong and Alexander McK. Groves, upon section number one hundred and eighty-seven of the

Illinois and Michigan Canal, with six per cent. interest from the completion of said section.

SEC. 2. This act to be in force from and after its passage.

APPROVED, February 24th, 1843.

In force, AN ACT to reduce the number of officers upon the Illinois and Michigan
Mar. 2, 1843. Canal.

All laws providing for the election of officers of Ills. and Michigan canal repealed
SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all laws of this State so far as they provide for the election or appointment of commissioners, engineers, or other officers of the Illinois and Michigan Canal, be and they are hereby repealed.

Certain officers continued in office for a limited time

SEC. 2. The present acting commissioner of the said canal shall continue to hold his office until some other officer or officers are appointed to take charge of the affairs of the canal, and shall perform all the duties heretofore required to be performed by the board of commissioners and treasurer. The office of secretary is also hereby continued as aforesaid; and one engineer, to be selected by the said commissioners shall be retained until settlements have been made with contractors. The said commissioner is also authorised to employ an agent for the prevention of trespasses upon canal lands, in case the services of such agent shall be deemed necessary.

Com'r to receive evidence of indebtedness in payment of bonds &c.

SEC. 3. The said commissioner shall at all times receive such evidence of canal indebtedness as have been issued or may be issued, as aforesaid, in payment for balances due for lands or lots, whenever the said evidence of indebtedness may be presented for that purpose; and upon full payment being made, he shall issue final certificates to the purchaser or purchasers of said land or lots.

SEC. 4. This act shall take effect from and after its passage; and thenceforth the salaries or pay of those officers not hereby expressly authorised to be continued or retained in office shall cease.

APPROVED, March 2d, 1843.

In force, AN ACT to provide for the allowance and payment of interest and money
Mar. 3, 1843. due the contractors on the Illinois and Michigan Canal.

Preamble

WHEREAS, the contractors on the Illinois and Michigan Canal have suffered great inconvenience in consequence of the non-performance on the part of the State, and as there is estimates and money due them, and placed to their credit, in the office at Lockport, which has not been paid over to the said contractors; therefore,

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of

the commissioner, trustee, or agent, of the Illinois and Michigan Canal, to examine into and investigate the claim or claims of the contractors on the Illinois and Michigan Canal, and on such examination if it shall be ascertained that there is money due the said contractor or contractors, for labor performed on said canal, which has been placed to his or their credit in the canal office at Lockport, then in that case it shall be the duty of such commissioner, trustee, or agent, that may be appointed to superintend the canal, to give him or them a certificate to that effect, for both principal and interest, from the time the money was due, to the said contractors on said canal; *Provided*, that any interest so paid shall be considered as a portion of the sum limited to be paid to contractors in the act entitled "an act to provide for the completion of the Illinois and Michigan Canal, and for the payment of the public debt," passed at the present session of the General Assembly. This act to be in force from and after its passage.

APPROVED, March 3d, 1843.

AN ACT for leasing water power on the Illinois and Michigan Canal.

In force,
Mar. 4, 1843.

WHEREAS, but a small amount of the money will be required to complete the Fox river feeder, and furnish water to propel machinery at Ottawa, La Salle county, from the canal, as has been heretofore planned, it would be for the interest of the State, as well as for the benefit and convenience of the citizens of La Salle county, that the agent of the State in charge of the canal, or the trustees who may be appointed under a late act to provide for the completion of the Illinois and Michigan Canal, dispose of the same, as provided for by an act to provide for selling water lots on the Illinois and Michigan Canal, approved February twenty-second, one thousand eight hundred and thirty-nine, before the canal is finished, that the State may receive the income which would accrue, and the citizens of La Salle county the convenience from the use of the same; therefore,

Preamble

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the agents of the State having charge of the Illinois and Michigan Canal, or the trustees that may be appointed under the provisions of an act to provide for the completion of the Illinois and Michigan Canal, may and are hereby authorised to dispose of the surplus water from the canal at Ottawa, La Salle county, together with lots on which the same may be used, on the terms provided by an act to provide for the disposing of water lots on the Illinois and Michigan Canal, approved February twenty-second, one thousand eight hundred and thirty-nine, except so much of said act as is contained in the third section of said act, which said third section of the said act is hereby repealed,

Trustees of
Ills. & Mich.
canal may
sell certain
water power
and lots at
Ottawa

Proviso whenever and at such times as the said agents or trustees may deem it for the best interest of the State; *Provided*, that the water lots so sold shall be subject to an appraisal on the completion of said canal, as is now provided by an act entitled "an act to provide for the completion of the Illinois and Michigan Canal," approved February [twenty-first,] one thousand eight hundred and forty-three, and the purchasers of any such water lots as may be sold under the provisions of this act shall pay for the use of such lot, such appraisal as shall be then made for the remaining term for which he has leased said lot.

Settlers who are not entitled to pre-emptions SEC. 2. Any settler on canal lands who has not made his improvement previous to the first day of December, eighteen hundred and forty-two shall not be entitled to the pre-emption rights granted by the provisions of "an act for the completion of the Illinois and Michigan Canal," approved February, [twenty-first] one thousand eight hundred and forty-three.

APPROVED, March 4th, 1843.

In force,
Jan. 21, 1843.

AN ACT to amend the charter of the city of Chicago.

City not to include w. hf. sec. 20 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That so much of the act entitled "an act to incorporate the city of Chicago," approved February the tenth, one thousand eight hundred and thirty-seven, as includes within the limits of the city of Chicago the west half of section number twenty, in township number thirty-nine north, of range number fourteen east, of the third principal meridian, be and the same is hereby repealed.

APPROVED, January 21st, 1843.

In force,
Feb. 8, 1843.

AN ACT to authorize the Common Council of the city of Chicago to straighten Madison street in said city.

Common council authorised to widen street

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the common council of the city of Chicago shall have power, and the said council is hereby authorized to lay out and make Madison street, in said city, eighty feet wide, and for this purpose there is granted to said city so much of the south side or end of the lots and blocks of land in the original town of Chicago (supposed to be thirty feet in depth, and extending the whole length of the south side of the original plat of said town) for the use of a street, as may be required to make said street eighty feet wide.

Private property not to be taken without making compensation SEC. 2. Nothing in this act contained shall be held or construed to authorize said common council to take, or appropriate for a street, or any other purpose, any portion of any lot

which has been patented to, or is the property of, any private person or persons, corporation, or body politic without making ample compensation therefor to the owner or owners thereof.

APPROVED, February 8th, 1843.

AN ACT to amend the charter of the city of Springfield.

In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the common council of the city of Springfield, shall be and they are hereby authorized, in addition to the taxes already authorized to be collected, to lay a tax not exceeding two per cent. in each year, on all the taxable property in said city, which shall be receivable in gold or silver, Auditor's warrants, or notes or certificates of the State Bank of Illinois, the proceeds of which said tax shall be wholly applied to the payment of the bonds of the corporation of Springfield now held by said bank. Common council of Springfield authorised to levy a certain tax

SEC. 2. This act shall continue in force until the whole amount of said bonds, to wit: the sum of sixteen thousand six hundred and sixty-six dollars and sixty-six cents, with interest to accrue thereon, is fully paid, and no longer. To continue in force till debt to the bank is paid

APPROVED, February 23d, 1843.

AN ACT regulating election precincts in the City of Chicago.

In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Cook county are hereby authorised to increase the number of polls, or places of holding elections, in the Chicago precinct, in said county, to any number not exceeding five, as shall, in their opinion, be most convenient for the voters in said precinct. When the same shall have been fixed by said county commissioners' court, they shall give the same notice, appoint judges of election, and the proceedings shall be in all respects according to the laws now existing in regard to elections. Co. com'rs of Cook may increase the number of places for holding elections to five

APPROVED, March 1st, 1843.

AN ACT to legalize the recorded plat of school section addition to Chicago, and for other purposes.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the recorder of the county of Cook is hereby authorised to certify upon the maps or plat of the school section, recorded in his office, in book

Map or plat
of School sec-
tion to Chica-
go legalised

"A," page three hundred and fifteen, that the same is the plat of the school section addition, an addition to the town of Chicago, and to make such other certificates upon said maps as the common council of Chicago shall direct to remedy any omission or defect in the same; and the said plat, or map, when so certified, is hereby declared, and made good, valid, and legal, for all purposes whatever; any omission or defect in the same to the contrary notwithstanding; and the same shall hereafter be deemed good, valid, and legal, and all omissions and defects in the same, cured by this law, and the common council of said city are hereby authorised to cause said school section to be re-surveyed, and the same run out so as to correspond with said plat.

Common
council may
enforce ordi-
nances &c.

SEC. 2. The said common council shall have power to enforce all such rules, ordinances, and police regulations made in pursuance of the powers heretofore granted to said city, by imposing penalties of fine and imprisonment, either, or both, in the discretion of the magistrate or magistrates, before whom conviction shall be had; *Provided*, such fine shall not exceed one hundred dollars, and the imprisonment sixty days.

Cemetery ex-
empt from
execution

SEC. 3. The cemetery lots which have or may be hereafter laid out and sold by said city for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

Assignee of
purchase at
tax sales may
receive deed
in his own
name

SEC. 4. The assignee of any tax certificate, of any lot sold for taxes under the authority of said city, shall be entitled to receive the deed of such lot in his own name, with the same effect as though he had been the original purchaser.

Certain lands
stricken out
of the corpo-
rate limits of
Chicago

SEC. 5. The south-east, and the north-east quarters of the south-west quarter, south-west and north-west quarters of the south-east quarter of section number five, township thirty-nine, range fourteen east, and the west half of the north-east quarter of section number eight, in township thirty-nine, range fourteen east of the third principal meridian, are hereby stricken out of the corporate limits of said city of Chicago.

SEC. 6. This act to take effect from its passage.

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843.

AN ACT supplemental to an act entitled "an act to open a new street in the city of Chicago, and for other purposes."

The act enti-
tled "an act
to open a new
street in the
city of Chica-
go" not to af-
fect State or
canal fund

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* [That] the act entitled "an act to open a new street in the city of Chicago, and for other purposes." shall not be so construed as to affect, in any way, the rights of the State or of the canal fund, to the strip of land lying south of North Water street and the Chicago river, commonly known as the wharfing privileges, and nothing in the said act contained shall affect the right which the State or city now has to widen said river, by excavating the banks, nor shall it affect

in any manner the title of the State or canal fund to the land or lots lying south of said street, and between it and the river.

APPROVED, March 4th, 1843.

AN ACT to prevent cities or towns from issuing warrants to circulate as money. In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People, of the State of Illinois,* Cities and towns to draw but one warrant for a debt due to one person *represented in the General Assembly,* That in all cases where any city or town in this State shall be indebted to any person or persons, on any account whatsoever, a warrant or voucher shall be drawn on the treasurer of such city or town for the whole amount found due to such person by the tribunal having power to audit and allow claims against such city or town, and such tribunal shall not in any case draw more than one warrant or voucher for the amount allowed to one individual at one time.

SEC. 2. No warrant or voucher drawn on the treasurer of city or town, shall be drawn in favor of any other person than the one to whom the same may be due, and such warrant or voucher may be in the form now prescribed by law. Warrants to be drawn only in favor of the person to whom due

SEC. 3. No treasurer of any city or town in this State shall pay any warrant or voucher drawn on him unless such warrant be presented for payment by the person in whose favor such warrant is drawn, or his assignee, or executor, or administrator. Not to be paid unless presented by the person to whom issued

SEC. 4. Any officer or officers of any town or city that shall be guilty of violating the provisions of the [this] act, shall be deemed guilty of a misdemeanor in office; and for every such violation shall be fined in a sum not exceeding five hundred dollars, to be recovered by indictment. Penalty for violation of this law

SEC. 5. Nothing in this act shall be so construed as to prevent the treasurer of any city or town from paying any warrant or voucher that may have been drawn on him prior to the passage of this act.

APPROVED, March 4th, 1843.

AN ACT to regulate the fees of the clerks of circuit courts in case of naturalization of foreigners. In force,
Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois,* Fees in cases of application for naturalization of foreigners regulated *represented in the General Assembly,* That the clerks of the circuit courts of this State shall be entitled to charge the following fees in all cases of naturalization of foreigners, to wit: filing declaration of intention to become a citizen of the United States, six and one-fourth cents; swearing applicant to said declaration, six and one-fourth cents; for certificate under the seal of the court of said declaration having been made,

twenty-five cents; for filing final application to have the oath of allegiance administered, and filing the affidavits of witnesses accompanying said application, twelve and a half cents; for administering oath to applicant, twelve and a half cents, and to each of the witnesses, six and one-fourth cents; for making out a certificate of final naturalization, or copy of record of naturalization, under the seal of the court, fifty cents.

No other fees
to be charged

SEC. 2. No other fee shall be charged by said clerks in cases of naturalization as above provided for, and all laws or parts of laws coming in conflict with this law, are hereby repealed.

APPROVED, February 24th, 1843.

In force,
Mar. 6, 1843.

AN ACT in relation to clerks of circuit courts.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the clerks of the circuit courts in this State, in all cases where fees are remaining, belonging to and unpaid in cases in the said court, whether disposed of or not, to the predecessor of said clerk, upon request of the said predecessor, his heirs or legal representatives, to issue his fee bill or execution therefor, as the case may be, under the seal of said court, and said fee bill shall have the force and effect of an execution, and the said clerk shall have no claim upon his said predecessor for the fees of issuing said fee bill or execution, but shall look to the party in the case liable therefor.

Constables or
sheriffs to collect
fee bills

SEC. 2. The constables and sheriffs of the said county, when said fee bills or executions shall issue, shall collect them as in other cases, and shall be subject to, and liable to such penalties as are inflicted by the law in similar cases for the non-performance of their duties; and when they shall have collected the said fee bills or executions, or fee bills and executions, they shall pay the same over to the person to whom the same of right belongs, and to no other person. This act to take effect from and after its passage.

APPROVED, March 6th, 1843.

In force,
Mar. 6, 1843.

AN ACT in relation to delinquent collectors of taxes of the revenue.

Auditor to
sue delin-
quent collec-
tors

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Auditor of Public Accounts forthwith, to cause suits to be instituted on the bonds of all former collectors of the revenue who have failed to pay up the balances due from them respectively.

APPROVED, March 6th, 1843.

AN ACT to incorporate the directors of the Literary and Medical College of the State of Illinois. In force, Feb. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois,* Persons com-
represented in the General Assembly, That Thomas Whiple, posing the
 B. D. Dewolf, Bela T. Hunt, Read Ferson, Darwin Milling- corporation
 ton, Levi Brown, Leonard Howard, Peter J. Burchel, R. M.
 Crose, William Conklin, and their associates, and successors,
 who shall never at any one time exceed fifteen in number, Not to exceed
 be and they are hereby created a body politic and corporate, fifteen
 to be styled the Board of Directors of the Literary and Medi- Style of incor-
 cal College of the State of Illinois, to be located in the town poration
 of St. Charles, and by that name to remain in succession for Location
 the term of fifty years, with full powers to acquire by purchase, Duration
 devise, gift, or bequest, any property, real, personal, or mixed, May purchase
 that may be necessary for the transaction of the business for property and
 who they are incorporated, and to hold or convey the same convey the
 under a common seal, which they may alter or change at same
 pleasure, in any way that is consistent with the interest of Seal
 said institution and the condition on which it shall be ob-
 tained, and not repugnant to the laws of this State and of the
 United States.

SEC. 2. That the said directors, in their corporate capac- Powers of in-
 ity, shall be competent to sue and be sued, plead and be im- corporation
 pleaded, have power to make such by-laws as they may deem
 necessary for the good government of themselves, or the offi- By-laws
 cers and students of the college; *Provided*, that such by-laws
 do not conflict with the constitution and laws of this State Proviso
 and of the United States.

SEC. 3. That one-third of the existing members, or direc- Meetings of
 tors, shall have power to call, at any time, a meeting of the board how
 board, by giving to every member at least ten days notice of called
 the time of such meeting; and that a majority of all the exist- Quorum
 ing members, when thus assembled, shall constitute a quorum
 for the transaction of business, and have power to choose a pres- Board may
 ident and other officers, professors of the sciences, and agents choose presi-
 of the institution; to displace entirely, or remove to other de- dent and pro-
 partments, any or all of them for good and sufficient reasons, fessors
 and shall, with the advice of the president and other pro- Powers of
 fessors, prescribe the course of studies to be pursued in each board
 department of the college, and to confer on those students, May pres-
 and others whom they may deem worthy, honors and degrees cribe the
 similar to those that are usually conferred in other kindred course of
 institutions; *Provided*, that the said student shall have devo- studies
 ted three years to the study of medicine and surgery, and other May confer
 branches connected with the science of medicine, including degrees
 two full courses of lectures upon the usual subjects taught in Length of
 reputable medical institutions; *Provided, also*, that all diplo- time students
 mas, certificates, or other evidences of the conferring of such shall study
 honors or degrees, shall designate the name of the institution Diplomas
 and the nature or kind of degree, or honor conferred, so as what to con-
 tain

distinctly to show that such diploma is issued by the Literary and Medical College of Illinois.

Board may
expel a mem-
ber

SEC. 4. That the said board of directors, or a majority of them, shall have power, after giving at least one month's notice of charges of misconduct preferred against any member or members of said board, upon conviction, to expel him or them, and to supply all vacancies therein, by appointment.

President of
college and
board the
same

SEC. 5. The president of the college shall be ex-officio president of the board of directors; his temporary absence at any meeting or meetings, to be supplied by a special election from the members of the board that constitute the quorum.

Board may
choose a sec-
retary and
treasurer

SEC. 6. That the said board shall have power to choose a secretary, who shall keep a correct record of all the important transactions, and a treasurer, who if required, shall, before he is intrusted with the keeping of their funds, give such security to the board and public for the faithful execution of the trust, as the board may require.

Disbursement
of funds

SEC. 7. That the board of directors shall faithfully use all the funds by them received or collected, according to the best of their judgment, in erecting suitable buildings, purchasing books, charts, maps, philosophical and chemical apparatus, collections of natural history, &c., and supporting the professors and other officers necessary to the institution.

Funds not to
be diverted

SEC. 8. That the funds of this institution, shall never be devoted to any other object than the promotion of education, and the annual income of the real estate shall not exceed the sum of ten thousand dollars.

Honorary
members may
be elected

SEC. 9. That the said directors shall have power to elect honorary members, grant them seats with the board, and allow them to take a part in the discussion, but not to vote.

College to be
established in
one county
only

SEC. 10. That the said institution shall not be authorized to establish a medical college or school in more than one county in this State.

Members in-
dividually lia-
ble for debts
of corporation

SEC. 11. That the members of this corporation shall be holden in their individual capacity for all debts of the corporation.

APPROVED, February 6th, 1843.

In force. AN ACT to exempt the property of Colleges and Common Schools from Mar. 6, 1843. taxation for a limited period.

Colleges and
seminaries
exempt from
taxation

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all colleges and seminaries of learning incorporated, or which may hereafter be incorporated, by any act or acts of the General Assembly of this State, be and the same are hereby exempted from taxation, for State, county, or other incorporation purposes, upon all college and seminary buildings, libraries, philosophical and chemical, or other scientific apparatus, and the lands on which

such institutions are located, not exceeding one hundred and sixty acres; *Provided*, that the property thus exempted shall be devoted exclusively to the purposes of education.

SEC. 2. All laws of this State for the collection of revenue, or for other purposes, so far as they conflict with the provisions of this act, are hereby repealed.

APPROVED, March 6th, 1843.

AN ACT to amend an act entitled "an act to authorise the supervisor of the village of Cahokia to lease part of the common appertaining to the village of Cahokia." In force, Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the supervisor of the village of Cahokia, appointed under the provisions of the act to which this is an amendment, shall retain in his hands and be entitled to two per centum of all the sums of money that he may collect by virtue of his office, as a compensation for his services; *Provided, however*, that said per centage shall not exceed the sum of one hundred and fifty dollars per annum. Supervisor of Cahokia to receive certain compensation

SEC. 2. The said supervisor shall be entitled to receive out of the funds collected by him, or that may come into the hands of his successor, two per cent. of all the money heretofore collected under the provisions of the act to which this is an amendment, for the services already rendered, not to exceed the amount of one hundred and fifty dollars per annum. Also two per cent. of all moneys heretofore collected

APPROVED, March 1st, 1843.

AN ACT to establish seven Congressional Districts.

In force, Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That for the purpose of electing seven representatives to the House of Representatives of the Congress of the United States, the following districts shall be and are hereby established, to be styled and known as districts numbered first, second, third, fourth, fifth, sixth, and seventh. Seven congressional districts established

SEC. 2. The first district shall be composed of the counties of Alexander, Union, Jackson, Perry, Randolph, Monroe, Washington, St. Clair, Clinton, Bond, and Madison. First district

The second district of the counties of Johnson, Pope, Hardin, Williamson, Gallatin, Franklin, Hamilton, White, Wash, Edwards, Wayne, Jefferson, Marion, and Massac. Second district

The third district of the counties of Lawrence, Richland, Crawford, Jasper, Effingham, Fayette, Montgomery, Christian, Shelby, Moultrie, Coles, Clark, Clay, Edgar, Macon, Piatt, and De Witt. Third district

The fourth district of the counties of Lake, McHenry, Fourth district

Boone, Cook, Kane, De Kalb, Du Page, Kendall, Grundy, La Salle, Will, Iroquois, Livingston, McLean, Champaign, Vermilion, and Bureau.

Fifth district The fifth district of the counties of Greene, Jersey, Calhoun, Pike, Adams, Marquette, Brown, Schuyler, Fulton, Peoria, and Macoupin.

Sixth district The sixth district of the counties of Jo Daviess, Stephenson, Winnebago, Carroll, Ogle, Lee, Whiteside, Rock Island, Henry, Stark, Mercer, Henderson, Warren, Knox, McDonough, and Hancock.

Seventh district The seventh district of the counties of Putnam, Marshall, Woodford, Tazewell, Mason, Menard, Cass, Morgan, Scott, Logan, and Sangamon.

Time and manner of holding elections SEC. 3. One representative to the Congress of the United States shall be elected in each of the several districts enumerated as aforesaid, at the election to be held on the first Monday of August, in the year one thousand eight hundred and forty-three; one representative shall also be elected in each of the said districts, on the first Monday of August, one thousand eight hundred and forty-four; and on the first Monday of August every two years thereafter.

APPROVED, March 1st, 1843.

In force, Jan. 28, 1843. AN ACT to authorise Elijah D. Ewing and William Maloney to convey real estate.

Ewing, a minor, authorized to convey real estate SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Elijah D. Ewing, of Franklin county, a minor, nineteen years of age, be and he is hereby authorised to convey to Loyd D. Addison, William E. Graham, and Richard Clendenning, or their assigns, the following tract of land, being the east half of the south-west quarter of section number twelve, in township number six, south of range number three east, containing eighty acres, situated in Franklin county aforesaid, and said conveyance, when duly made and acknowledged by the said Ewing, as required by law, shall be as valid and effectual to convey the said land as if the said Ewing had been of the full age of twenty-one years.

Description of lands SEC. 2. That William Maloney, of Edgar county, a minor, about fourteen years of age, be and he is hereby authorised to convey to Benjamin Rhoades, the following described tract of land, to wit: the south half of the west half of the south-west quarter of section thirty-two, in township thirteen north, in range eleven west, in the county of Edgar, and said conveyance, when duly made and acknowledged by the said Maloney, as in due form of law, shall be as valid and effectual to convey the said land as if the said Maloney was of the full age of twenty-one years at the time of making the same.

APPROVED, January 28, 1843.

AN ACT to establish the county of Audubon.

In force,
Feb. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the parts of the counties of Montgomery, Fayette, and Shelby, lying within the following bounds, shall be and the same are hereby erected into a new county, to be called the county of Audubon: beginning at the north-east corner of township ten north, range one east, thence south to the south-east corner of township nine north, range as aforesaid, thence west to the south-west corner of section thirty-four, in township nine north, range two west, thence north to the north-west corner of section three, township ten north, range two west, thence east to the place of beginning; *Provided*, that each of the counties of Montgomery and Fayette shall consent thereto by a vote of said counties at the next August election.

Name of
county

Boundaries

Proviso as to
formation of
county

SEC. 2. The judges and clerks of each precinct in the aforesaid counties, are hereby required to open two columns in the poll books, at the next August election, the one for, the other against the organization of the county of Audubon. They shall keep a correct account of all votes given for and against said county, and the county commissioners' clerks of the counties of Montgomery and Fayette shall make correct returns of the same within two weeks after said election, to Hiram Rountree and John McEwen, Esquires, at Hillsboro, who, if the returns prove favorable, shall cause three notices for an election of officers for the county of Audubon, to be posted up within the limits of the same, two weeks before the day of election, as provided for in this act.

Poll books to
be opened for
and against
formation of
county

Returns

SEC. 3. The legal voters of the county of Audubon shall meet at the house of David S. Hobart, in the town of Audubon, on the second Monday of September, one thousand eight hundred and forty-three, and proceed to elect all county officers, justices of the peace and constables excepted. Said election shall be held according to the laws regulating elections in this State; and Eli Street, James Card, and Windsor P. Craig, shall be the judges of said election, who shall make out and deliver certificates of election to the persons chosen to office; and the county of Audubon shall be organized when the said officers are chosen and qualified.

Time & place
of meeting to
elect county
officers

Judges of
election

SEC. 4. The county commissioners of Audubon county shall meet on the first Monday of October, in the town of Audubon, and after being duly qualified, shall proceed to hold court, and perform such other duties as are, by law, required of county commissioners' courts.

Co. com'rs
when and
where to meet

SEC. 5. The county thus formed, shall pay, or cause to be paid, to the counties of Montgomery, Fayette and Shelby, within three months after its organization, the full amount of the county debt of the aforesaid counties, which the territory taken off would have been liable to pay had such new county not been formed.

Audubon to
pay its pro-
portion of the
debt of the
counties from
which it is ta-
ken

- Location of county seat** **SEC. 6.** The county seat of Audubon county shall be and the same is hereby permanently located at the town of Audubon, in said county: *Provided*, that the proprietors of the town of Audubon shall, within twelve months after its organization, erect a good and substantial court house and jail, and convey the same, together with a lot of land three hundred feet square, to the county commissioners of Audubon county, for the time being, for the use and benefit of said county, in fee simple, and also shall pay or cause to be paid to the counties of Montgomery, Fayette, and Shelby, the amount required by the fifth section of this act; and further, shall pay into the treasury of the county of Audubon, within two months after its organization, the sum of five hundred dollars.
- Proviso**
- Audubon attached to second judicial circuit** **SEC. 7.** The county of Audubon shall be attached to the second judicial circuit, and courts shall be holden at such times as the judge of said circuit shall appoint, or is required by law.
- Representation in the General Assembly** **SEC. 8.** The citizens of the county of Audubon shall vote as they have hitherto done, with the counties of Montgomery, Fayette, and Shelby, for members of the General Assembly, until otherwise provided by law.
- APPROVED, February 6th, 1843.**

In force,
Feb. 8, 1843.

AN ACT create the county of Massac.

Boundaries of new county **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that tract of country within the following boundaries, to wit: beginning at the south-west corner of Johnson county, on the bank of the Ohio river, and running thence north with the range line dividing townships one and two east of the third principal meridian, to Cash river, thence up the centre of the main channel of said Cash river, to the township line dividing townships thirteen and fourteen, thence east along said line, to the county line dividing the counties of Pope and Johnson, thence south-east, so as to strike at the south-east corner of township fifteen south, six east, thence three miles south, thence east to the Ohio river, thence down the Ohio river to the place of beginning, shall constitute a new county, to be called the county of Massac.

Name

Election for co. officers to be held the first Monday of April, 1843 **SEC. 2.** An election shall be held in the several precincts and parts of precincts within said county of Massac, on the first Monday of April next, by the qualified voters of said county, for county officers, to wit: for one sheriff, one coroner, one recorder, one county treasurer, one probate justice of the peace, one school commissioner, three county commissioners, one county surveyor, and one clerk of the county commissioners' court, who shall hold their offices until the next succeeding general election, and until their successors are elected and qualified. Said elections shall be conducted, and the re-

turns thereof made to the clerk of the county commissioners' court of Johnson county, as in other cases, and said clerk shall give certificates of election, and when said county officers shall be elected and qualified, the said county of Massac shall be duly organized. Said elections shall be held and conducted in each of said precincts, or parts of precincts, by the judges thereof, in such manner as other elections are conducted in this State, and it shall be the duty of the clerk of the county commissioners' courts of the counties of Johnson and Pope to issue all such notices for said election as are required by law for holding elections in this State.

SEC. 3. Said county of Massac shall be attached to and form a part of the third judicial circuit, and the judge of the third judicial circuit shall appoint a clerk for the circuit court of said county, on being notified or informed that said county is organised, and shall hold court in said county as hereinafter directed.

SEC. 4. The citizens of said county of Massac shall be entitled, in all respects, to the same rights and privileges as are allowed in general to the citizens of other counties in this State, and all suits commenced in the circuit courts of Johnson and Pope counties, before the first day of April next, shall be determined in said courts the same as if this act had not been passed.

SEC. 5. The school commissioners of the counties of Johnson and Pope shall pay and deliver over to the school commissioner of the county of Massac, all the school, college, and seminary funds belonging to the several townships in said county of Massac, and all notes and mortgages pertaining to the same, so soon as the said county shall be organized and the school commissioner be elected and qualified according to law, together with all the interest arising out of said money that has not been heretofore expended for schools within that part of Johnson and Pope counties hereby taken and constituted the county of Massac.

SEC. 6. The legal votes of said county of Massac shall, on the said first Monday in April next, at the same time and places of voting for officers of said county, vote for the place where the county seat of said county shall be located, on which day, persons proposing to make donations for the several places proposed to be voted for, shall file with the judges of elections of the several election precincts in said new county, their written propositions, which shall be for not less than four thousand dollars in value, and upon the person or persons offering the donation at the place receiving the greatest number of votes, making to the said county of Massac a good and sufficient conveyance for the donation. Such place shall be the permanent seat of justice for said county, and said donation shall be disposed of by the county commissioners of said county in such manner as they may think proper, reserving necessary public grounds, and the proceeds arising

Manner of
conducting
election

County of
Massac to
form part of
third circuit
and judge to
appoint times
for holding
courts

Suits institu-
ted in the
courts of
Johnson and
Pope to be de-
termined
there

Duty of
school com'rs
of Johnson &
Pope counties

Election for
county seat

Donations for
county seat

from said donation shall be exclusively used for the erection of public buildings in said county.

Representa-
tion in Gen.
Assembly

SEC. 7. That, until otherwise provided by law, that portion of Massac county taken off Johnson, and that portion taken off Pope, shall continue to vote with the counties they were taken off of, for senator and representative to the General Assembly, in the same manner as though no division had taken place.

Assessment of
taxes for 1842
not affected
by this act

SEC. 8. The passage of this act shall in no wise alter or affect the assessment of property, or the collection of taxes, in the counties of Johnson and Pope, as the same are now organized, for the year one thousand eight hundred and forty-two, but the county commissioners' courts of Johnson and Pope shall, immediately after the settlement of the collectors of their respective counties, order that portion of taxes collected from citizens residing in that portion of Massac county taken off their respective counties, after deducting a proportionate amount for the assessment and collection of the same, to be paid into the county treasury of Massac county.

Part of reve-
nue of John-
son & Pope
counties to be
paid to the co.
of Massac

Place of hold-
ing courts

SEC. 9. The county commissioners shall prepare a place for holding courts in said county, until there shall be public buildings erected.

East line of
county to be
surveyed

SEC. 10. That for the purpose of ascertaining and establishing the east line of Massac county, as commencing as proposed at the line dividing Johnson and Pope counties to the Ohio river, shall be surveyed and marked by the county surveyor of Pope county, on or before the first Monday in April next.

Copies of this
act to be sent
to Pope and
Johnson
counties

SEC. 11. It shall be the duty of the Secretary of State, as soon as may be after the passage of this act, to transmit by mail a certified copy thereof to the clerks of the county commissioners' courts of Pope and Johnson counties.

APPROVED, February 8, 1843.

In force. AN ACT for the settlement of the Internal Improvement fund between the
Feb. 8, 1843. counties of Clay and Richland.

Preamble

WHEREAS, by the fifteenth section of the internal improvement act, a certain sum of money was apportioned to be distributed to the several counties in this State through which no railroad or canal was authorized to be constructed; and whereas, the county of Clay received her proportion of said money, but since the passage of said act the county of Clay has been divided by legislative enactment, and a certain portion of her territory, together with a portion from Lawrence county, were attached together, constituting a new county by the name of Richland; and whereas, that portion of said Richland, that was formerly a part of Clay county, is justly and equitably entitled to a portion of said money that was unexpended at the time of the division of said Clay county; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Clay county shall settle with the agent, or person in whose possession said money was deposited, and that the said court may have the power to compel said agent or person to make a final settlement thereof, and if any of said moneys, or interest arising therefrom, remain in the possession of said agent or person, that the same shall be equitably divided between said counties of Clay and Richland, and paid over to the treasurer of said counties, to be used as a county fund, after first paying all the orders outstanding against said internal improvement fund.

Co. of Clay to settle with agent holding money belonging to said co. & pay to Richland co. its fair proportion thereof

APPROVED, February 8th, 1843.

AN ACT to create the county of Marquette, and for other purposes therein mentioned. In force, Feb. 11, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the now county of Adams lying east of range seven west, of the fourth principal meridian, and also, sections one, twelve, thirteen, twenty-four, twenty-five, and thirty-six, of township one south, of the base line, in the aforesaid range seven, be and the same is hereby created into a new county; to be called the county of Marquette.

Limits of co.

SEC. 2. There shall be an election on the first Monday of April next, at the different places of voting for justices of the peace and constables, in the limits of the said county of Marquette; said election shall be conducted by the present judges of election in said county, who have been appointed by the county of Adams according to the election laws of this State, at which election the legal voters of the said county of Marquette shall elect all county officers for said county excepting school commissioner, and one county commissioner and coroner, who shall be qualified and commissioned as similar officers are in other counties of this State. Said officers, so elected and qualified, shall hold their offices until the next ensuing general election for such offices now provided by law, and until their successors are legally qualified, and shall have the same jurisdiction, and discharge all the duties within the limits of the said county of Marquette, that are, or may be required by law of similar officers in other counties of this State; *Provided, however,* that the person receiving the highest number of votes at said election for county commissioner shall hold his office until the first Monday of August, in the year of our Lord, one thousand eight hundred and forty-five, and until his successor shall be elected and qualified; any thing in this section contained to the contrary notwithstanding.

Election for co. officers to be held on first Monday of April, 1843

Term of office of co. officers

Proviso

Returns of
election how
made and
canvassed

SEC. 3. Within five days after said election the judges of the election, at their different places of holding the same, shall return the poll books thereof to the town of Columbus, in said county of Marquette, directed to Wesley D. McCann, an acting justice of the peace, within the limits of said county, who, together with any two other acting justices of the peace of said county, shall meet in the said town of Columbus, within seven days after said election, and proceed to open said election returns, and do and perform such other duties in relation to said returns as are now required of clerks of county commissioners' courts by law in relation to similar returns.

Notice of or-
ganization of
the co. to be
given to judge
of fifth circuit
who shall ap-
point a clerk
of the circuit
court & a
time for hold-
ing courts in
said county

SEC. 4. As soon as the county officers shall have been elected and qualified, the said county of Marquette shall be considered organized, and the clerk of the county commissioners' court shall give notice thereof to the judge of the fifth judicial circuit, who shall thereupon appoint a clerk for the circuit court of said county, and shall hold courts in the said county at the town of Columbus, until the county seat of said county shall be located as hereinafter provided. Said county of Marquette shall constitute and form a part of the fifth judicial circuit until otherwise provided by law; and it shall be the duty of the judge of said circuit to hold two terms of said court in said county annually, at such times as he may order and appoint, or at such time as may be provided by law.

Suits now
pending not
affected by
this act

SEC. 5. All suits and prosecutions that have been commenced, or may hereafter be commenced in the circuit court of Adams county, before the organization of the said county of Marquette, shall not be affected by this act, but all suits and prosecutions so commenced as aforesaid, shall be prosecuted to final termination in the circuit court of the said county of Adams, and the officers of the said county of Adams are hereby authorized and required to issue and execute all writs that may be necessary to the prosecution of all such suits and prosecutions to final termination any where within the limits of said county of Marquette.

Justices of the
peace contin-
ued in office

SEC. 6. All justices of the peace and constables, elected in the county of Adams, and who reside in the limits of the county of Marquette, shall hold their offices and have jurisdiction in the said county of Marquette as though they had been originally elected in said county.

Certain co.
officers of Ad-
ams co. to
serve out
their term of
office as offi-
cers of Mar-
quette

SEC. 7. Daniel Harrison, school commissioner, George Smith, one of the county commissioners, and Jonas Grubb, coroner, of the present county of Adams, and who reside within the limits of the said county of Marquette, shall, after the organization of the said county of Marquette, hold their respective offices within and for the same, until their present terms of office expire, and it shall be the duty of the clerk of the county commissioners' court of said county of Marquette, as soon as the same shall be organized, to notify the clerk of the county commissioners' court of said county of Adams thereof, when each of the said offices within said county of Adams

shall be deemed and considered vacant, which said vacancies in said Adams county shall be filled in the same manner as vacancies occasioned by other causes.

SEC. 8. The school funds belonging to the several town-^{School fund}ships in the county of Adams, and all moneys, notes, and mortgages, appertaining to the same, shall be paid and delivered over to the school commissioner of said county of Adams, by the school commissioner of the county of Marquette, as soon as the school commissioner of the county of Adams shall be duly elected and qualified; and also all moneys and interest arising from the school, college, and seminary fund which may belong to the said county of Adams.

SEC. 9. At the next general election, and until a new ap-^{Adams to e-}portionment of representation shall be made among the sev-^{lect three &}eral counties of this State, the county of Adams shall elect^{Marquette} three representatives, and the county of Marquette two repre-^{two represen-}sentatives to the General Assembly of this State, and in case^{tatives to the} a vacancy shall happen in the office of senator from the county^{Gen. Assem-} of Adams, the said county of Adams and county of Marquette^{bly} shall vote together to fill such vacancy, and the said counties^{In case of va-} shall continue so to do until a new apportionment of repre-^{cancy the two}sentation shall be made, and in case of election for senator, it^{counties to} shall be the duty of the clerk of the county commissioners'^{elect a sena-}court of the county of Marquette, within four days after the^{tor} returns of such election has been made to him, to meet the^{Time & place} clerk of the county commissioners' court of the county of^{of comparing} Adams, at his office in the city of Quincy, and the two clerks^{votes for sena-} together shall compare the polls and deliver a certificate to^{tor} the person elected, and also a transcript of the votes for senator to the Secretary of State.

SEC. 10. For the purpose of fixing the permanent seat of^{Election for} justice for said county of Marquette, it shall be the duty of the^{co. seat} judges of election, at the time and place of voting for county officers, as provided for in this act, to cause as many columns as there may be places voted for to be ruled on the poll books of said election, at the head of each column a separate place shall be entered as candidates for the county seat of said county of Marquette; at said election all the legal voters of said county shall vote for one of the places designated; the places to be agreed upon by the voters of said county in any number they may see proper, and the place receiving a majority of all the votes given shall be the permanent seat of justice for^{No place ha-} said county; but if no one place shall receive a majority of all^{ving a major-} the votes given, then it shall be lawful for the said legal voters^{ity, another} to meet at the several places of holding elections on the first^{election to be} Monday of August next, and then and there select and vote^{held} for one of the two places only having the highest number of votes at the former election, and the place having a majority of all the legal votes given, shall be the permanent seat of justice of said county of Marquette.

SEC. 11. That the county commissioners' court of the said county of Marquette be and the same hereby is authorised and empowered at any regular term thereof, whenever it shall be deemed expedient, by an order to be entered on its records, to appoint some competent person as a commissioner for the purpose hereinafter expressed, who shall take and subscribe an oath, faithfully and carefully to perform such duties as may be required of him by this act; which oath may be administered and certified to the clerk of the aforesaid court, by any justice of the peace of said county.

Co. court au-
thorised to
appoint a
commissioner

SEC. 12. It shall be the duty of the county commissioners' court of said county, when it makes such appointment, or as soon thereafter as may be convenient, to provide a sufficient number of blank books for the purpose contemplated by this act, substantially bound and suitable for recording deeds in; which books, when provided, shall be delivered to the aforesaid commissioner, who shall receipt to the clerk of said court for the same.

Blank books
to be provided

SEC. 13. As soon as such book or books shall be delivered to said commissioner, he shall record in each book a copy of the order of his appointment, and of his oath of office, and proceed in due time to the office of the recorder of the county of Adams, and shall, from the books in said office, make out and record in a fair and legible manner in the book or books furnished him, all deeds and title papers, together with the acknowledgments and certificates appertaining thereto, of lands lying in the aforesaid county of Marquette, which have been recorded in the office of the recorder of the said county of Adams, and when the said commissioner shall have finished transcribing the aforesaid records contemplated by this act, the recorder of the said county of Adams shall estimate the number of deeds and other title papers which said commissioner shall have transcribed into such book or books, and certify the same to the county commissioners' court of said county of Adams, which shall thereupon make an order in favor of such commissioner, for the sum of twenty cents for each deed by him transcribed as aforesaid, to be paid as other county orders are.

Com'r to copy
such records
of Adams co.
as relate to
bonds in Mar-
quette

Compensation

Com'rs to
have access to
records

Vacancies
how filled

Books to be
returned to
recorder of
Marquette co.

SEC. 14. It shall be the duty of the recorder of the county of Adams to permit said commissioner to make transcripts of all and every such deed and title paper, and for that purpose to use the books in which such instruments may be recorded.

SEC. 15. The said county commissioners' court of said Marquette county shall have power to fill all vacancies in the said office of commissioner.

SEC. 16. It shall be the duty of the aforesaid commissioner, after transcribing the aforesaid deeds and title papers into the books so to be furnished him as aforesaid, to return the said books to the recorder of the said county of Marquette, and it shall be the duty of said recorder to make a certificate to that effect at the end of each book.

SEC. 17. The said commissioner in transcribing the deeds and title papers aforesaid into the books so provided as aforesaid, shall, immediately after transcribing each deed, title paper, acknowledgment, and certificate, note in the said book at what time, in what office, book, and page, the same was originally recorded, and when such transcribed record books shall be delivered to the recorder of the said county of Marquette, they shall, to all intents and purposes, be considered and taken as books of records of deeds and title papers, for the said county of Marquette, and copies of such transcribed records, certified by the recorder of said county, shall be evidence in all courts and places, in the same manner that copies of deeds and title papers regularly recorded in the recorder's office of said county are evidence, and with the same effect.

SEC. 18. The debt now outstanding against the said county of Adams shall be paid by said county, and the said county of Marquette shall forever be released from the same; and it shall be the duty of the Governor of this State, on or before the first day of April next, to appoint three suitable and disinterested persons, not residents of either of the aforesaid counties, as commissioners, who shall, before entering upon the duties of their aforesaid office, make and subscribe their respective oaths or affirmations, well and truly to discharge the duties required of them under the provisions of this act, impartially, and to the best of their judgments and abilities, before some justice of the peace of said county of Adams, who shall certify the same to the clerk of the county commissioners' court of said county, and which shall be filed by him in his office.

SEC. 19. It shall be the duty of the aforesaid commissioners, within one month after their said appointment, on some day to be agreed upon by them, to repair to the seat of justice of the said county of Adams, and then and there, after making the aforesaid oath or affirmation, ascertain from the records of said county, first, the value of the taxable property lying and being within the limits of the now county of Adams, from the book or books of the assessor of said county, for the year of eighteen hundred and forty two, according to the value of said property, as set down in said book or books; secondly, the said commissioners shall, in like manner and from the same source, ascertain the value of taxable property lying and being within the limits of the said county of Marquette; thirdly, the said commissioners shall ascertain the amount of the debt outstanding against the county of Adams at the time of the passage of this act; fourthly, the said commissioners shall appraise and value the court house and jail of said county of Adams, and all other property, either real or personal, and all moneys, notes, bonds, &c., of every description, owned and belonging to the said county of Adams, at the time of said appraisalment; *Provided, however,* that the public square in the

city of Quincy, shall be excepted from the provisions of this section, unless said public square should at any time hereafter be sold and converted into private property, in which event the county of Marquette shall be entitled to one-half of the proceeds of such sale, and excepting, also, from the provisions of this section, the cemetery, and market house and lot in said city of Quincy; fifthly, the said commissioners shall deduct from the appraised value of said court house and jail, the amount of the aforesaid outstanding debt against the said county of Adams, and then make out a duplicate award in writing, under their hands and seals, setting forth the result of the investigation hereinbefore required of them, and in which they shall award, to be paid by the said county of Adams to the said county of Marquette, such proportion of the balance of the appraised value of said court house and jail, after deducting the amount of the aforesaid outstanding debt against the said county of Adams, as the value of the said taxable property lying and being within the limits of the said county of Marquette bears to the value of the said taxable property lying and being within the limits of the now county of Adams, and when the said award shall be so made out as provided in this section, one copy thereof shall be delivered by the aforesaid commissioners to the clerk of the county commissioners' court of the county of Adams, and the other to the clerk of the county commissioners' court of said county of Marquette, and the same shall be filed by the said clerks in their respective offices.

Amount of
award to be
paid by Ad-
ams to Mar-
quette co.

SEC. 20. At the first regular term of the county commissioners' court of the said county of Adams, after the said award shall be filed as aforesaid, the said court shall make an order in favor of the said county of Marquette for the amount so awarded, to be paid to it by the said county of Adams, as in the last preceding section provided, and the said amount shall then be considered due from the said county of Adams to the said county of Marquette, and shall be paid in the same manner as other debts against said county.

Com'rs to
have access to
books &c.

SEC. 21. The said commissioners, for the purpose of discharging the duties required of them by this act, shall have free access to the records of said county of Adams, but shall not be permitted to remove from their respective offices any books or papers belonging thereto; and it shall be the duty of the clerk of the county commissioners' court of said county and of all other officers of said county, whom the said commissioners may deem it necessary to call upon, to aid them in the investigations aforesaid, for which said services so to be rendered as aforesaid the said clerk, and other officers shall make no charge against the said county of Adams.

Compensation
of com'rs

SEC. 22. The said commissioners may adjourn their meetings from time to time to suit their convenience, but shall use all reasonable despatch in the discharge of the duties hereinbefore required of them, and the concurrence of any two of them in any act or duty hereinbefore required of them, shall

be valid and binding to all intents and purposes, and they shall be paid by the county of Adams in the same manner as other charges against said county, three dollars each per day, during the time actually employed in the discharge of their aforesaid duties, and for every day's necessary travel in going to and returning from the said seat of justice of said county of Adams.

SEC. 23. As soon as the said county of Marquette shall be organized, and the clerk of the county commissioners' court of said county of Adams notified thereof, the treasurer of the said county of Adams shall pay and deliver over to the treasurer of the county of Marquette, for the use of said county, such proportion of the funds now in the treasury of said county of Adams, for the use of said county, and in the kind of funds in which the same was collected, as the value of the taxable property lying and being within the limits of the said county of Marquette bears to the value of the taxable property lying and being within the now county of Adams, as appears upon the book or books of the assessor of said Adams county, for the year eighteen hundred and forty-two, and the taxes assessed upon the property lying and being within the limits of said county of Marquette, for the year eighteen hundred and forty-two, shall be collected by the collecting officer of the county of Adams the same as if said county had not been divided, and the amount collected for the use of the county paid into the county treasury of said county of Adams, the same as now required by law; and the treasurer of the county of Adams shall immediately thereafter pay and deliver over to the treasurer of the county of Marquette for the use of the said county such proportion of the aforesaid amount as the value of said taxable property lying and being within the limits of the said county of Marquette, bears to the value of said taxable property lying and being within the limits of the now county of Adams, as appears upon the aforesaid book or books of the aforesaid assessor, and it shall be the duty of the aforesaid treasurer of said county of Adams to take duplicate receipts for the money so to be paid by him as aforesaid, from the treasurer of said county of Marquette, one of which he shall cause to be filed in the office of the county commissioners court of said county of Adams. This act shall take effect and be in force from and after the passage thereof.

Treasurer of Adams co. to pay the treasurer of Marquette a proportionate share of the funds in the co. treasury

Collection & division of the tax for 1842

APPROVED, February 11th, 1843.

AN ACT for the formation of the county of Moultrie.

In force,
Feb. 16, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all that tract of country lying within the following boundaries, to wit: beginning at the north-east corner of township fifteen north, range six east of the third principal meridian, thence west to the*

Boundaries of county

north-west corner of section three, township fifteen north, range four east, thence south three miles, west three miles, south eleven miles, east five miles, south four miles, east four miles, south one mile, east one mile, south one mile, east one mile, south one mile, east one mile, south two miles, east six miles, to the range line between ranges six and seven, thence north to the place of beginning, shall be constituted a new county, to be called Moultrie.

Time & places of electing co. officers

SEC. 2. The legal voters residing within the aforesaid boundaries, shall meet at the usual places of holding elections on the first Monday in April next, and proceed to elect one sheriff, one coroner, one recorder, one county surveyor, one probate justice, one clerk of the county commissioners' court, one treasurer, one school commissioner, and three county commissioners; the person receiving the highest number of votes for county commissioner shall remain in office for two years from the first Monday in August next, the person receiving the next highest vote for county commissioner shall remain in office for one year from the first Monday in August next, and the person receiving the lowest vote for county commissioner shall remain in office until the first Monday in August next; the other county officers shall hold their offices until the next succeeding general election, and until their successors are elected and qualified.

Term of service of co. com'rs

Location of co. seat

SEC. 3. The seat of justice of said county of Moultrie shall be at the residence of James Camfield, of said county, until otherwise ordered by the county commissioners' court of said county, but the seat of justice of said county shall not be permanently located by said commissioners' court until further legislation in relation thereto.

Election how conducted

SEC. 4. The present judges of election residing within the boundaries of the county of Moultrie shall conduct the elections provided by this act in all respects agreeable to the laws regulating elections, and shall make return of the poll books of their respective precincts within five days after the election, to Abraham H. Killar, William Thompson, and James Elder, acting justices of the peace; and the said justices, or a majority of them, shall meet at the house of James Camfield, within ten days after the said election, and it shall be the duty of the said justices of the peace to open and compare the poll books, to make out and deliver certificates to the persons elected, and to return an abstract to the Secretary of State in the same manner as is now required of the clerks of county commissioners' courts in like cases.

Co. court when to meet, its duties

SEC. 5. The county commissioners shall meet as a court within twenty days after their election, and shall proceed to lay off their county into justices' districts, and transact such other county business as may be deemed necessary.

Notice of election to be given

SEC. 6. It shall be the duty of the justices of the peace named in this act, to give at least twenty days public notice of the time and places of holding the elections provided for in

this act, by posting up notices in at least six public places in said county.

SEC. 7. The school funds belonging to the several townships in said county, together with all the interest arising from said moneys, and now in the hands of the school commissioners of Macon and Shelby counties, and all notes and mortgages appertaining to the same, shall be paid and delivered over to the school commissioner of the county of Moultrie, as soon as the county shall be organized, and a school commissioner elected and qualified according to law.

SEC. 8. It shall be the duty of the clerk of the county commissioners' court, as soon as may be after the election of county officers, to inform the judge of the eighth judicial circuit that the county is organized, and the said judge shall thereupon appoint a clerk, and fix the time for holding the circuit court, and said county shall form a part of the eighth judicial circuit.

SEC. 9. That elections for senators and representatives to the General Assembly shall continue to be conducted as though no division had been effected, and the clerks of the county commissioners' courts shall return abstracts of said elections to the clerks of the county commissioners' courts of the counties of Macon and Shelby, until otherwise provided by law.

SEC. 10. The county commissioners' court of the county of Moultrie shall, at their first term, appoint one or more suitable persons to meet with the county commissioners' of Macon county, at their June term, one thousand eight hundred and forty-three, and ascertain the proportion of the court house debt of Macon county, which the inhabitants taken from Macon and forming a part of Moultrie county, have agreed by their petition to pay, and in the apportionment and payment of the said money the commissioners of Macon and Moultrie counties shall be governed in all respects according to the provisions of the eleventh section of the act entitled "an act for the formation of Piatt county;" *Provided*, that said apportionment be based upon the assessment lists of one thousand eight hundred and forty-two.

SEC. 11. The moneys to be paid by the county of Moultrie to the county of Macon shall be raised by additional assessment on the inhabitants residing within the boundaries taken from the county of Macon, and nothing herein contained shall be so construed as to make liable the inhabitants residing within the territory taken from the county of Shelby for any portion of the money made payable to the county of Macon under the provisions of this act.

APPROVED, February 16th, 1843.

School funds of townships in said county to be paid to school com'r when elected

Moultrie to form part of eighth circuit & judge to appoint a clerk and time for holding court

Manner of conducting elections for senator and representatives

Court house debt of Macon co. to be apportioned between Macon & Moultrie counties, and how

Provision for raising the money to be paid to Macon co. and from whom Inhabitants taken from Shelby to pay no part of the debt to Macon

In force, AN ACT to attach part of Tazewell county to the county of Woodford.
Feb. 17, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of Tazewell county embraced in the following limits, be and the same is hereby attached to the county of Woodford, to wit: commencing at the north-east corner of Tazewell county, between township number twenty-six and twenty-seven north, thence west with the said line to the middle of the Illinois river, thence down said river to a point opposite the section line dividing sections twenty-eight and twenty-nine, in township twenty-six north, range four, west of the third principal meridian, thence south with said sectional line, to the township line between townships number twenty-five and twenty-six north, thence east with the said township line to the county line of Woodford county, and thence north to the place of beginning.

SEC. 2. The school commissioner of the county of Tazewell shall pay over to the school commissioner of the county of Woodford on or before the first of October next, all the school funds belonging to the several townships hereby attached to the county of Woodford, together with all interest arising out said money, that has not been heretofore expended for schools within that part of Tazewell county now proposed to be attached to the county of Woodford.

SEC. 3. All suits at law which have been heretofore commenced in the circuit courts of Tazewell county prior to the said annexation by any citizen or citizens residing in that portion of Tazewell county now proposed to be attached to the county of Woodford, shall be prosecuted to final judgment and execution in the same manner as though this act had not been passed, and all taxes, fines, and assessments shall be collected as if this act had not passed.

SEC. 4. All justices of the peace and constables, now holding office in that portion of Tazewell county proposed to be attached to the county of Woodford, shall be continued in office as justices of the peace and constables of Woodford county until the expiration of the term for which they were elected, or until a vacancy shall otherwise happen, as is now provided by law.

SEC. 5. The territory described in the first section of this act shall not be attached to the county of Woodford unless a majority of the legal voters of each of the counties of Tazewell and Woodford shall vote in favor thereof, and for the purpose of ascertaining the sentiments of the voters of Tazewell county upon the question of said proposed annexation, a special election shall be holden in the county of Tazewell upon the first Monday in the month of May next; which said election shall be conducted in all respects as elections for senators and representatives to the General Assembly, and the clerk of the county commissioners' court of said county of

Boundary of
the district of
country to be
attached to
Woodford

Provision for
paying over
school funds

Suits now
pending and
collection of
taxes not af-
fected by this
act

Justices of the
peace and
constables
continued in
office

Territory not
to be attach-
ed to Wood-
ford unless a
majority of
the voters of
both counties
Election
when to be
held & how
conducted

Tazewell is hereby required to give notice of said election as in other cases of special elections for twenty days before the day of holding the same; and the clerks of all the election districts are hereby required to keep regular poll books, to be certified as in other elections, in which shall be two columns, in one of which shall be entered all the votes given in favor of said annexation, and in the other, all votes given against said annexation, and the returns made to the clerk of the county commissioners' court of said county of Tazewell, within five days after the said election, and within ten days after said election the clerk of the county commissioners' court, if a majority of the legal votes given at said election shall be in favor of said annexation, shall file a certificate thereof in the office of the clerk of the county commissioners' court of Woodford county. Certificate

SEC. 6. And for the purpose of ascertaining the sentiments of the voters of Woodford county upon said question, a special election shall be holden in the county of Woodford upon the last Saturday in July next, to be conducted in all respects as the election in the county of Tazewell is to be holden, as provided in the preceding section; said twenty days notice to be given and returns to be made to the clerk of the county commissioners' court of said county of Woodford in five days after said election; *Provided*, that if a majority of the votes polled in the county of Tazewell shall be opposed to said annexation, then said election shall not be holden, but if a majority of the votes polled in each of the said counties shall be in favor of said annexation, then the clerk of the county commissioners' court of Woodford county, within twenty days after the said election, shall file in the office of the Secretary of State, at Springfield, a certificate, under the seal of said court, that a majority of the votes polled in said county of Woodford was in favor of said annexation, and also, a certified copy of the certificate filed in his office by the clerk of the commissioners' court of Tazewell county, and by the fifth of August next, notify the clerk of the county commissioners' court of Tazewell county that a majority of the votes polled in Woodford county was in favor of said annexation, and the territory in the first section of this act described, from the day of holding the election in Woodford county, shall be and become part and parcel of the county of Woodford, and in all subsequent elections vote with said county of Woodford. Election in Woodford co. when to be held and how conducted
Certificate to be filed in office of Sec. of State

SEC. 7. At the next August election in Tazewell county the clerks of election shall open in their poll books two columns, in one of which they shall enter all legal votes offered in favor of removing the seat of justice of Tazewell from Tremont to Pekin, and in the other all legal votes offered in opposition to said removal, and in case a majority of the legal votes given at said election on said question be in favor of said removal, the town of Pekin shall from thenceforth be the permanent seat of justice of said county of Tazewell; *Provi-* Election for removal of co. seat of Tazewell co.

Proviso

ded, that all courts and county officers, provided by law to be holden or kept at the county seat, shall continue to be holden or kept at Tremont until necessary, convenient, and permanent public buildings, both court house and jail, shall be erected at Pekin free of cost or charge to said county of Tazewell. The sufficiency of said buildings to be determined by the county commissioners' court of Tazewell county, or by their authorized agents.

Agents for receiving subscriptions for erecting county buildings

SEC. 8. *And be it further enacted*, That David Mark, Gideon Hawley, William S. Rankin, Alexander Robinson and John McGinnis be and the same are hereby appointed commissioners, by themselves or their authorized agents, to receive contributions and subscriptions of money, work and materials, for the purpose of erecting said public buildings, and to superintend the erection thereof; and all promises, in writing, to pay money, work or materials, towards the erection thereof shall be binding in law upon all persons making the same, and said commissioners are fully authorized to collect the same by law.

Time of removal of co. offices

SEC. 9. Within thirty days after the commissioners' court shall approve of said buildings the several county offices shall be removed to Pekin, and all the courts there holden, and Pekin become in all respects the seat of justice of said county. The public buildings herein provided to be erected shall be located on the square designated on the map of the town of Pekin as court house square, or the court square.

Location of public buildings

Elections how contested

SEC. 10. The elections provided for in this act may be contested in the same manner as elections of county officers.

SEC. 11. This act to take effect from and after its passage.

APPROVED, February 17th, 1843.

In force,
Feb. 21, 1843.

AN ACT to create the county of Milton.

Milton county boundaries defined

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that tract of country included within the following boundaries, to wit: commencing at the south-east corner of Vermilion county, on the State line dividing the States of Indiana and Illinois, thence running west with the line dividing Edgar and Vermilion counties, to the south-west corner of Vermilion county, thence north with the line dividing Vermilion and Champaign counties, to the township line dividing townships eighteen and nineteen, thence east with said line to the line dividing the States of Indiana and Illinois, thence south to the place of beginning, shall constitute a county which shall be called and known by the name of Milton county.

SEC. 2. An election shall be held at the several precincts within the limits of said county of Milton, on the first Mon-

day of September next, by the qualified voters of said county for county officers, to wit: for one sheriff, one coroner, one recorder, one county surveyor, one county treasurer, one probate justice, three county commissioners, and one clerk of the county commissioners' court, who shall hold their offices until the next succeeding general election, and until their successors are elected and qualified; said election shall be conducted in all respects as elections generally are in this State, and returns thereof made to the clerk of the county commissioners' court of Vermilion county, and said clerk shall give certificates of election, and when said county officers are thus elected and qualified, said county of Milton shall be considered duly organized. Said election shall be conducted in each of said precincts by the judges thereof in such manner as elections have heretofore been conducted at said precincts, and it shall be the duty of the clerk of the county commissioners' court of Vermilion county to issue all such notices for said election as are required by law for holding elections in this State.

To hold an
election for
co. officers

Returns of
elections how
made

SEC. 3. Said county of Milton shall be attached to the fourth judicial circuit, and the judge of said circuit shall fix the time of holding courts therein, providing for two terms to be held in said county annually, until the time and number of terms shall be otherwise established by law; said courts shall be held at such place as the county commissioners' court of said county of Milton shall designate, until the county seat of said county shall be located as is hereinafter provided. And until suitable county buildings shall be erected, it shall be the duty of the said county commissioners to provide some suitable and convenient building in which said court may be held.

Attached to
4th judicial
circuit

Co. com'rs to
designate the
place of hold-
ing courts

SEC. 4. All suits commenced in the circuit court of Vermilion county prior to the organization of said county of Milton, by any person or persons who may fall within the bounds of said county of Milton, shall remain and be determined by the circuit court of Vermilion county.

Circuit court
of Vermilion
co. to try all
suits pending
in said courts

SEC. 5. The school commissioner of the county of Vermilion shall pay and deliver over to the school commissioner of Milton county all the school fund belonging to the several townships in said county of Milton, and all notes and mortgages pertaining to the same, so soon as said county shall be organized, and the school commissioner elected and qualified according to law, together with all interest arising out of said money, that shall not have been, prior to that time, expended for schools within said county of Vermilion.

School com'r
of Vermilion
co. to pay to
school com'r
of Milton co.
certain por-
tions of school
fund &c.

SEC. 6. For the purpose of locating the county seat of Milton county the following named persons are hereby appointed commissioners, to wit: William B. Archer, of Clark county, Leander Munsell and Hall Simms, of Edgar county, who or a majority of whom, shall meet at Georgetown, in said county of Milton, on the first Monday in October next, or within twenty days thereafter, and after being duly sworn by some justice of the peace, shall proceed to locate the seat of

County seat
how located

justice of said county of Milton at the most eligible and convenient point, taking into consideration the present and prospective population of said county, as also the amount of money and real estate that may be offered at the different points proposed for such location as donations to the county of Milton in consequence and as an inducement to said location.

Citizens of Milton co. to have no interest in the public buildings or saline lands in Vermilion co.

SEC. 7. The citizens who may, at the time of the organization of said county of Milton, reside within the limits of said county, or such as may at any time afterwards become citizens of said county, shall, under no circumstances, at any time, claim or be entitled to any interest in the public buildings or grounds, or saline lands, within the limits of Vermilion county.

Vermilion to pay certain money to Milton co.

SEC. 8. So soon as said county of Milton is created and county officers for said county elected, the county commissioners of Vermilion county shall make an estimate of all the moneys belonging to said county of Vermilion, and after deducting therefrom all amounts due or to be due on contracts then existing against said county of Vermilion, shall pay over to the county commissioners of Milton county its proportionate share, according to the last assessment, the sum still remaining in their hands after such deduction.

Milton co. to be laid off into three precincts.

SEC. 9. The county commissioners' court of Milton county are hereby authorized and required, immediately upon their organization, to lay out said county into not exceeding three election precincts, and to appoint three judges of elections for each of said precincts so laid out, and at the same time to order an election for two justices of the peace and two constables for each of said precincts, and one school commissioner for said county; which officers shall hold their several offices until the next general election, and until others are elected and qualified.

Each precinct to elect two justices and constables, & the county one school com'r

Compensation to com'rs appointed to locate co. seat

SEC. 10. The commissioners herein named to locate the county seat of Milton county, shall each be allowed the sum of three dollars for every day's service when employed in locating said county seat, to be paid out of the treasury of said county.

Vermilion at her next annual election to vote for & against the creation of the county of Milton

SEC. 11. The poll books for the several election precincts in Vermilion county shall at the next general election be provided with two additional columns, in one of which shall be set down the votes of all persons voting for a division of said county, and in the other all the votes of all persons voting against a division of said county, and if it shall appear a majority of all the votes polled are cast for a division of said county, then and in that case the county of Milton shall be declared and considered created and organized, as provided for and contemplated by the provisions of this act; otherwise this act to be null and void in all its provisions.

SEC. 12. Should a majority of all the legal voters of Vermilion county decide in favor of a division of said county,

then and in that case the clerk of the county commissioners' court of Vermilion county shall immediately inform the Secretary of State thereof; and that the county of Milton is thereby created and organized, and he shall also inform the judge of the fourth judicial circuit thereof.

SEC. 13. In case the county of Milton should be created and organized as hereinbefore provided for, the said county of Milton shall elect one representative to the General Assembly, and Vermilion one representative, and shall, together with Vermilion and Champaign counties, elect one State senator. until otherwise provided for by law; the clerk of the county commissioners' court of Milton county shall, in case of the election of a State senator, meet the clerk of the county commissioners' court of Vermilion county at Danville to compare the polls.

Sec. of State & judge of 4th circuit to be informed of the results of the election

Milton co. to elect one representative Vermilion 1, Milton, Vermilion & Champaign 1 senator

Polls to be compared at Danville

APPROVED, February 21st, 1843.

AN ACT defining the boundaries of McHenry county.

In force, Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundary lines of McHenry county are hereby declared to be as follows, to wit: beginning at the south-west corner of township number forty-three north, of range number five, east of the third principal meridian, running north to the north line of the State, thence east to the north-east corner of section number five, in township number forty-six, of range number nine east, of the third principal meridian, thence south along said section line to the south line of township number forty-three north, of said range, thence west to the place of beginning. This act to take effect from and after its passage.

Boundaries defined

APPROVED, February 24th, 1843.

AN ACT to define the boundary line between the counties of McLean and Woodford.

In force, Feb. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following shall be the line between the counties of McLean and Woodford; to wit: beginning at the south-west corner of Livingston county, running thence west three miles, thence south six miles, thence west three miles, thence south two and a half miles, thence west three miles, thence south one mile, thence west one and three-quarter miles, thence south one mile, thence west one-fourth of a mile, to the corner of Woodford county; and the same shall hereafter be and remain the permanent dividing line between said counties. This act to be in force from and after the passage thereof.

Boundary between McLean and Woodford defined

APPROVED, February 28th, 1843.

In force,
Feb. 28, 1843.

AN ACT to define the bounds of Boone county.

Part of Win-
nebago at-
tached to
Boone co.

Proviso, that
the legal vo-
ters of said
townships
shall so de-
cide at an e-
lection to be
held for that
purpose

Returns how
made

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections six, seven, eighteen, nineteen, thirty, and thirty-one, in each of the townships forty-three, forty-four, forty-five, and forty-six, in range three east, of the third principal meridian, are hereby attached to and shall form part of the county of Boone; *Provided,* an election shall be held at the house of Samuel Kieth, in the village of Newburg, in Winnebago county, on the fourth Monday of May next, under the inspection of Benjamin F. Hoyt and Samuel Kieth, as judges, and A. W. Canfield, as clerk of said election, whose duty it shall be to attend at the time and place aforesaid, and hold said election. A poll book shall be opened with columns headed "for" and "against" being attached to the county of Boone, and the legal voters residing on the aforesaid sections shall be permitted to vote for or against being so attached. The poll shall be kept open from ten o'clock A. M. to five o'clock P. M., of said day, and upon closing the poll, the judges and clerk shall certify the result on the poll book, and seal up and deliver the same to the clerk of the county commissioners' court of Winnebago county, within five days thereafter, and the clerk of said court shall, within two days, in the presence of two justices of the peace, of his county, open and examine said poll book, and compare the certificate with the votes given, and thereupon make out a certificate of the result of said election, which shall be signed by said clerk and justices, and the same shall be entered upon the records of the commissioners' court for Winnebago county; and if it shall appear by the result of said election, that a majority of said voters are in favor of being attached to the county of Boone, then and in that case, the aforesaid sections shall be and remain a part of Boone county, otherwise they shall remain as heretofore; *Provided, further,* that if either of said judges or clerk shall fail to attend and act at said election, then the voters present shall choose others to act in their place, who shall be governed by the provisions of this act.

APPROVED, February 28th, 1843.

In force,
Mar. 1, 1843.

AN ACT in relation to the county of Adams.

Money to be
paid by Ad-
ams co. to
Marquette to
be raised by
tax

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the amount of money to be paid to the county of Marquette by the county of Adams, under the provisions of an act entitled "an act to create the county of Marquette, and for other purposes therein mentioned," approved February eleventh, one thousand eight hundred and forty-three, shall be raised by a tax

upon the entire property, real and personal, lying and being within the said county of Adams, including also the city of Quincy; any law to the contrary notwithstanding.

APPROVED, March 1st, 1843.

AN ACT to repeal the ninth section of "an act for the formation of the county of Woodford." In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the ninth section of an act entitled "an act for the formation of the county of Woodford," approved February twenty-seventh, one thousand eight hundred and forty-one, be and the same is hereby repealed. Ninth section
of the act or-
ganizing
Woodford co.
repealed

APPROVED, March 1st, 1843.

AN ACT to attach part of the county of La Salle to the county of Marshall. In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the county commissioners' court of the county of Marshall shall, on or before the twentieth day of March next, cause the legal voters of townships twenty-nine and thirty north, range one east, of the third principal meridian, to be notified in the manner that voters are required to be notified for elections of justices of the peace, to meet at some place named in said notice, in said townships, on the twelfth day of April next, for the purpose of voting for or against being attached to the county of Marshall. Voters in
township 29 &
30 north, 1
east, in La
Salle co. to
vote for or a-
gainst being
attached to
Marshall co.

SEC. 2. The legal voters of said townships, when assembled pursuant to such notice, shall proceed to elect three judges of election and two clerks, whose duty it shall be to take the votes of the legal voters of said townships present, and voting for or against being attached to the said county of Marshall, and they shall open poll books for that purpose, and therein record the votes of said townships respectively, keeping the votes of the voters of each township separately, and if a majority of all the votes given by the legal voters of said township twenty-nine shall be in favor of being attached to said county of Marshall, the said township twenty-nine shall thenceforth be attached to and become part of the county of Marshall; and if a majority of all the votes given by the inhabitants of said township thirty shall be in favor of being attached to said county of Marshall, then said township thirty shall thenceforth be attached to and become part of said county of Marshall.

SEC. 3. If a majority of the legal voters of said townships, or either of them, shall vote in favor of being attached to said

How to pro-
ceed in the
election

Judges and clerks of election to certify the same to the co. com'rs courts of La Salle & Marshall shall

county of Marshall, the said judges and clerks of election shall certify the same under their hands to the county commissioners' courts of the counties of Marshall and La Salle respectively, and to the Secretary of State, within thirty days after the day of said election.

APPROVED, March 1st, 1843.

In force,
Mar. 2, 1843.

AN ACT to define the boundary lines of Menard county.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all that portion of territory lying in the county of Sangamon and north of the following lines, viz: beginning at the middle of the southern boundary line of section twenty-four, (24) in township number seventeen (17) north, of range seven, (7) west of the third (3d) principal meridian, thence east [to] the south-east corner of section twenty-one, (21) township seventeen, (17) north of range six, (6) thence north to the Sangamon river, thence down the Sangamon river to the northern boundary line of section ten, (10) same township and range, thence east to the south-east corner of section two, (2) township and range aforesaid, thence north one and a half miles to the middle of the western boundary line of section thirty-six (36) in township eighteen (18) range six (6) west, thence east one mile to the range line between five (5) and six, (6) thence north half a mile, thence east along the section line to the south-east corner of section thirty, (30) township eighteen (18) north, of range four (4) west, thence north to the south-east corner of Menard county, be and the same is hereby attached to the county of Menard.

SEC. 2. The collector of Sangamon county is hereby authorized to collect the taxes for the year 1842, in said district as though no change in the lines had taken place. This act to take effect from and after its passage.

APPROVED, March 2d, 1843.

In force,
Mar. 2, 1843.

AN ACT to establish Cumberland county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the first day of May next, all that part of Coles county lying south of a line beginning at the north-west corner of section thirty, in township eleven north, of range seven east, of the third principal meridian line, running thence east along the several section lines to the western boundary line of Clark county, shall form a new county to be called Cumberland county.

SEC. 2. An election shall be held on the first Monday of April next, at the town of Greenup, and at the town of Woodbury, at the house of James Gill, at Beni White, Berry's mill, and Ruffners, at Long Point, for the election of a sheriff, coroner, county recorder, county surveyor, probate justice of the peace, clerk of the county commissioners' court, county treasurer, school commissioner and three county commissioners for the said county of Cumberland, at which said election any number of legal voters not less than fifteen who shall be present, may choose from among themselves a sufficient number of persons to act as judges of said election, who, after being sworn, as also the clerks, shall proceed to open and hold said election according to the rules and regulations prescribed by law for conducting general elections in this State, at which said election all persons entitled by law, residing in the boundaries prescribed for Cumberland county, to vote for members of the General Assembly, shall be entitled to vote at said election.

Elections to be held

How conducted

SEC. 3. After the said election shall be closed it shall be the duty of the judges and clerks holding the same to affix to each of the poll books a statement of the names of each person voted for, and the office he was intended to fill, and the number of votes such person received, and certify the same; one of which said poll books they shall seal up under an envelope, directed to John Wolf, Judson Holley, and Alexander Magrew, and it shall be the duty of one of the said judges or clerks to deliver the same to the said persons on or before the third day after the close of the said election; and it shall be the duty of said Wolf, Holley, and Magrew, or any two of them, to meet at the town of Greenup on the third day after the close of said election, and if the polls of said election shall be delivered to them, or either of them, to proceed to open the said election returns, and after comparing the returns of said election they shall make out a written statement thereof and shall transmit a copy thereof, certified by them, to the Secretary of State, and it shall be the duty of the Secretary of State to make out commissions to such of the persons as shall appear to be elected, who are entitled by law to be commissioned by the Governor, and transmit the same to the persons so commissioned; *Provided, however*, that contested elections for any of the above named officers shall be determined according to the principles contained in the laws of this State concerning contested elections.

Duty of the judges and clerks of election

SEC. 4. The seat of justice for Cumberland county shall for the present be at the town of Greenup, and shall hereafter be permanently located in the following manner, to wit: at the general election, to be held on the first Monday in August next, a poll book shall be opened for the different points to be run for the county seat; *Provided, however*, that no place shall be voted for unless its proprietors or friends shall, at least twenty days previous to said election, execute a bond with

County seat

How located

Election may
be contested

sufficient security, designating the quantity of land patented by the General Government and free from legal incumbrances, setting forth the metes and bounds of said land, or the number and location of town lots, or the amount of money, work and labor, or materials to be used in erecting the county buildings which the proprietors or friends of any point may propose to give, which said bonds shall be subject to the approval of the county commissioners' court and be filed in their office; and at said election a column shall be opened for each point whose friends shall have executed bond as aforesaid, and all persons qualified at the time for holding said election to vote for a member of the General Assembly shall be entitled to vote for the location of said seat of justice, and the point, if any, receiving the majority of the legal votes cast at said election, shall be the permanent seat of justice for Cumberland county. When the votes of said election are compared by the proper officers, if it shall appear that neither one of the points voted for shall have received a majority of the whole votes cast, then it shall be the duty of the county commissioners' court to appoint a day within three months thereafter for holding another election, and shall publish written notices thereof in at least six of the most public places in the county, for one month, and a column shall be opened at each election precinct, for the two points having received the highest number of votes at the preceding election, and the point receiving the highest number of votes at said second election shall be the permanent seat of justice; and if changed from the town of Greenup the offices shall be removed to said new seat of justice so soon as public buildings can be prepared therefor. If any person shall desire to contest the election in regard to the seat of justice, they shall, within twenty days thereafter, give notice that they will proceed before a justice of the peace of the county to take depositions that certain persons (naming them) who voted at said election were not qualified voters, or that fraud or unfairness (stating in what such fraud or unfairness consisted) was practised in said election; at which time and place all the testimony on both sides shall be written down, and the matter in controversy shall be decided by the county commissioners' court, subject to an appeal to the circuit court at any time within twenty days after the decision of the county commissioners court; *Provided*, that the notice in regard to a contested election as to the seat of justice shall be posted up in six of the most public places in the county. It shall be the duty of the county commissioners' court of Cumberland county to cause public buildings to be erected at the permanent seat of justice when located in the manner provided in this act, and for that purpose they are hereby authorized to lay off any land that may be donated to, or acquired for the county, into town lots, and may sell and convey all or any part of such lands or town lots, so donated or acquired, and appropriate any money, work and labor, or materials

owned by or due to said county in the construction of county buildings as aforesaid.

SEC. 5. All justices of the peace and constables residing in Coles county, and in office on the first Monday of May next, shall continue in office and exercise all the duties required of them by law in Cumberland county until their successors shall be elected and qualified according to law, and shall be liable to the same penalties for omission of duty as if no change or division of Coles county had taken place under this act, and be entitled to the same emoluments for their services.

SEC. 6. That at the next biennial election for representatives to the General Assembly, and until another apportionment of representatives shall be made, the county of Cumberland shall be entitled to elect one representative separate from Coles county, and Coles county shall separately be entitled to elect two representatives, and no more, and, until a new apportionment of senators shall be made, the county of Cumberland shall vote with the counties of Coles and Clark for the election of a senator, and the clerk of the county commissioners' court of Cumberland shall attend at the clerk's office of Coles county to compare polls, at the same time now provided by law for the clerk of the county commissioners' court of Clark county to attend, and compare the votes for senator, and to join in making a certificate thereof to the person elected.

Representatives and senators to be elected

SEC. 7. At the election to be held on the first Monday in August next, for county officers for Cumberland county, the person receiving the highest vote for county commissioner shall be entitled to hold his office three years; the person having the next highest, two years; and the next highest, one year, according to the provisions of the law concerning the election of county commissioners.

Co. com'rs
Cumberland
Term of office

SEC. 8. The county of Cumberland, when organized according to the provisions of this act, shall be deemed and considered, from and after the first day of May next, one of the counties of this State, and entitled to all the rights and powers generally conferred upon and allowed by the constitution and laws to other counties in this State, and to the officers thereof.

Cumberland
to have the
same rights &
powers as
other coun-
ties

SEC. 9. It shall be the duty of the Auditor of Public Accounts to make out and transmit to the county commissioners' court of Cumberland county, on or before the first day of June next, a list of all lands within the boundaries of Cumberland county, subject to taxation, for State and county purposes, and annually thereafter, as required by law; and the county commissioners' court of said county shall direct the assessment and collection of taxes in said county, for the year one thousand eight hundred and forty-three, according to the provisions of the revenue laws of this State, and direct the collection and appropriation thereof, as required by law in other counties.

Duty of the
Auditor

Taxes assessed how collected SEC. 10. All taxes assessed and uncollected in Coles county for the year one thousand eight hundred and forty-two, and previous thereto, of persons residing in Cumberland county, after the first day of May next, and all judgments, executions, and fees due to officers in Coles county, against any person or persons residing in Cumberland county, may be collected and accounted for in the same manner as if no division of the county had taken place by virtue of this act.

Courts SEC. 11. It shall be the duty of the county commissioners' court of Cumberland county, after the organization thereof, according to the provisions of this act, to certify the same to the judge or justice required to hold circuit courts in Coles county, and it shall be the duty of the said judge or justice to fix the time of holding circuit courts in Cumberland county until otherwise provided by law, and it shall be his duty to hold the said courts accordingly.

Provision relative to school, college and seminary funds SEC. 12. It shall be the duty of the county commissioners' court of Coles county to ascertain from the State census taken in the year one thousand eight hundred and forty, as near as they can, the amount of school, college, and seminary funds which the inhabitants residing in the limits of Cumberland county were entitled to receive as a part of Coles county, for the year one thousand eight hundred and forty-two, and how much, if any, is due and unpaid to the township treasurers or to teachers, and also what would be the proportionable part of the school, seminary, and college funds for the year one thousand eight hundred and forty-three, and certify the same to the county commissioners' court of Cumberland county, and direct the school commissioner of Coles county to pay the same over to the school commissioner of Cumberland county, and also to deliver over all notes, money, bonds, mortgages, and papers, properly appertaining to school lands in the boundaries of Cumberland county, and it shall be the duty of the school commissioner of Cumberland county to receive, keep, collect, pay out, and account for the same according to law.

Part of same congressional district with Coles SEC. 13. That Cumberland county is hereby attached to and shall form part of the same congressional district in which Coles county may be placed.

APPROVED, March 2d, 1843.

In force,
Mar. 2, 1843.

AN ACT to extend the limits of Bond county.

Limits of Bond co. defined SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that tract of country included within the following boundaries, to wit: begin at the north-east corner of township six north, of range five, west of the third principal meridian, and running west on the line between towns six and seven, to the north-west corner of section two, thence south on the sectional lines to the

south-west corner of section fourteen, in township five north, of range five, west of the third principal meridian; thence east to the south-east corner of section thirteen, same township and range, thence north to the place of beginning, containing within said boundaries eighteen sections, shall be attached to and form a part of the county of Bond; *Provided*, that nothing in this act contained shall release the inhabitants living within said boundaries from the payment of any taxes heretofore levied upon them by the county of Madison; and the collector of the county of Madison shall have the same authority and power to collect all taxes now due said county of Madison from said inhabitants as though they had not been detached from the county of Madison. This act to take effect and be in force from and after its passage.

APPROVED, March 2d, 1843.

AN ACT to form the county of Pulaski.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that tract of country within the following boundaries shall constitute the county of Pulaski, viz: beginning at a point on the Ohio river, on range line between two and three, east of the third principal meridian, and running north with and on said line to Cashe river, thence down and with said river to the Alexander county line, thence north on said last mentioned line to the south-east corner of Union county, thence west along said line to Mill creek, thence down and along the said creek to Cashe river, thence down and along the west bank of said river to the Ohio river, thence up and along said river to the place of beginning.

Boundaries of
Pulaski co.

SEC. 2. The county aforesaid is constituted upon the following conditions: the people within the boundaries specified in the first section of this act, and the people who are in the county of Alexander, shall meet at the several places of holding elections for justices of the peace in said county of Alexander, on the first Monday of June next, and proceed to vote in the same manner as voting for justices of the peace, whether said county shall be so constituted or not. The judges of elections in said county shall give twenty days notice of the time and place of holding such election, by posting up notices in three of the most public places in the precincts of Alexander as now organized.

Conditions
upon which
said co. shall
be constituted

SEC. 3. On the day so appointed, the judges of elections shall open a poll book at each precinct in said county of Alexander, (as now organized,) in which poll books they shall cause to be ruled two columns, in one of which they shall set down the votes given for the formation of said county of Pulaski, and in the other column the votes given against its formation; and the said judges shall conduct the said election

Election in
what manner
held

as other elections, and make returns thereof to the clerk of the county commissioners' court of Alexander county, within five days after the election, and the said returns shall be opened and counted as election returns for members of the Legislature are, and if a majority of all the votes given at the said election shall be in favor of the formation of said county, the clerk of the county commissioners' court of Alexander [county] shall forthwith issue his certificate of that fact, under the seal of said court, and transmit the same to the Secretary of the State of Illinois, and by him to be filed and preserved in his office as evidence of the formation of said county of Pulaski; and said clerk shall also file a copy of said certificate in his office, and transmit by mail a similar certificate to the clerk of the county commissioners' court of Massac county, which said certificate shall be entered of record by the said courts of county commissioners of Alexander and Massac counties, at their first court after the receipt of the same, and shall also make out a copy thereof and hand the same to the sheriff of Alexander county, who shall, within five days thereafter, deliver the same to Henry Sowers, Thomas Lackey, Jr., and Thomas Howard, all three of whom are hereby appointed commissioners to locate the county seat of said county of Pulaski.

If county is
formed, co.
seat to be lo-
cated

SEC. 4. The said Henry Sowers, Thomas Lackey, and Thomas Howard, or a majority of them, shall, after being notified of the said county being formed as aforesaid, within twenty days thereafter, meet at the house of Thomas Forker, in said county of Pulaski, and after being sworn faithfully to discharge the duties of commissioners, proceed to locate the seat of justice of said county at some suitable point in said county, having due regard to the interests of the inhabitants of said county, and shall make such contract for the donation of land to aid in the construction of the public buildings, as they shall think most advisable, but in no case to pledge the faith of the said county for the payment of money.

Return of lo-
cation &c.
how made

SEC. 5. Said commissioners shall make return of the location of said county seat, together with such deeds for real estate donated to the county as they shall procure, in no case to be less than ten acres of land, to Thomas Forker, of said county, to be kept and preserved by him until the county is organized, and shall then deliver the same to the clerk of the county commissioners' court of the county of Pulaski, which shall be spread of record by said court; and the location of the seat of justice so made, shall be and remain the county seat of said county.

Officers when
and how elec-
ted

SEC. 6. Should said county of Pulaski be constituted according to the provisions of this act, the legal voters of said county shall meet in the town of Caledonia, on the first Monday of August next, and the judges of elections of justice's precinct, at Caledonia, shall open books for election of all the officers within said county, and make return thereof to William

A. Hughes, who is hereby authorised to open the same, and make returns thereof in the same manner as clerks of the county commissioners' courts, with justices of the peace called to his assistance as in other cases are required to do, and the officers, when so elected, shall be commissioned and qualified as other officers.

SEC. 7. The county of Pulaski shall form a part of and remain in the third judicial circuit of this State, and the courts shall be holden at the county seat thereof on the Thursdays next before the end of the term of the Alexander circuit court, as now provided by law. Co. to form part of the 3d circuit

SEC. 8. The public debt of the county of Alexander shall be equally divided between and paid by the counties of Alexander and Pulaski, and the school fund divided according to the population of the said respective counties. Public debt of Alexander co.

SEC. 9. The county commissioners of Pulaski county shall sell and dispose of, for the benefit of said county, all such lands donated to the same at the seat of justice as they shall deem proper and advisable, and lay out such streets and public grounds on the same as they shall deem proper, and in all cases apply the proceeds to the use of said county in erecting public buildings and such other purposes as they shall deem proper for the public good. Duty of co. com'rs of Pulaski co. relative to donations &c.

SEC. 10. That the said county shall vote with the counties of Alexander and Union for senator, and with Alexander for a representative to the General Assembly. Senator & representatives how elected

SEC. 11. The assessment of property and the collection of the revenue for the year 1842, shall not be affected by the provisions of this act, but it shall be faithfully applied by the county of Alexander to pay off the debts of said county. Assessment of property and collection of revenue not affected by this act

APPROVED, March 3d, 1843.

AN ACT supplemental to "an act creating the county of Massac out of the counties of Pope and Johnson." In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that part of the boundary line lying in the county of Pope which runs from the south-east corner of township fifteen. range six, be so changed as to run south till the same strikes the Ohio river from the said south-east corner of the above mentioned township. This act to be in force from and after its passage. Boundaries

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843.

AN ACT in relation to the county of Cass.

Citizens of
Cass co. to
vote for loca-
tion of county
seat

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be an election held in the county of Cass, in the State of Illinois, on the first Monday in September next, A. D. eighteen hundred and forty-three, at the regular election precincts within said county for the selection of a permanent seat of justice of the said county of Cass; and at each precinct it shall be the duty of the judges of election now in office, or hereafter to be appointed in said county, to open poll books in their respective precincts for the purpose of said election, in which said poll books there shall be ruled a column for each place in said county that may be put in nomination for said county seat, and the names of the voters of said county voting for any of said places shall be registered in the column attached to the place thus voted for.

Election how
conducted

SEC. 2. The said election shall in all things be conducted as elections for members of the General Assembly of the State of Illinois, are by law required to be, and any person entitled to vote in said county of Cass for members of the General Assembly shall be entitled to vote at said election.

Certain pre-
cincts in Mor-
gan co.
may elect to
be attached
to Cass co.

SEC. 3. If at the election to be held on the first Monday in August, A. D. eighteen hundred and forty-three, in Morgan county, under an act of the Legislature entitled "an act for the formation of the county of Benton and for other purposes," it shall be decided that a part of the county of Morgan shall be attached to the county of Cass, such attached portion of territory shall be deemed to be a part of the county of Cass within the meaning and for the purposes of this act; and polls shall be opened at Arenzville, Henry Price's house, and William Berry's house in said attached territory, for the purpose of enabling the residents in said territory, being legal voters for members of the General Assembly, to vote for the selection of the permanent seat of justice for Cass county. Francis Arenz, George Engleback and Edward W. Turner are hereby appointed and authorized to act as judges to conduct the said election at Arenzville, and David Homilcar, George Peterfish, and Peter Conover are hereby appointed and authorized to act as judges to conduct said election at Henry Price's house, and Burton Tilton, Martin Hardin and William Montgomery are hereby appointed and authorized to act as judges to conduct said election at William Berry's house; and if any one or more of the said persons shall fail, neglect, or refuse to act as judges of said election, the vacancy or vacancies caused by such failure, neglect or refusal, may be filled in the same manner as is provided for filling vacancies in the office of judges of election under the law providing for the election of members of the General Assembly; and the vote registered at Arenzville, Henry Price's house, and William Berry's house, for the county seat of Cass county, shall be counted in determining the location of the county seat aforesaid.

SEC. 4. The poll books to be kept as hereinbefore provided for at the aforesaid election shall be returned to the office of the clerk of the county commissioners' court of Cass county, and the result of the said election ascertained within the time and in the manner prescribed by law in case of the election of members of the General Assembly; and if upon counting the votes registered on said poll books it shall be ascertained that any one of the places voted for at said election shall have received a majority of all the votes given, the said place shall become and thereafter forever remain the permanent seat of justice of the said county of Cass; *Provided*, that the citizens or proprietors of the place thus selected shall, within eighteen months after the said selection shall have been made, convey or procure to be conveyed to the said county of Cass a suitable lot or lots of ground for the purposes of a public square, with a suitable and proper building thereon erected for the purpose of holding courts within and for said county; and also, a suitable lot or lots of ground with a suitable and proper jail thereon erected, the fitness and suitability of the said court house and jail to be determined by the presiding judge of the circuit court of the said county of Cass, by his certificate in writing, to be filed in the office of the clerk of the county commissioners' court of said county, and in the event said presiding judge shall be interested, that the said certificate shall be given by the presiding judge of the next nearest circuit not interested; *And provided, further*, that if the conditions contained in the foregoing proviso shall not be complied with, then the county seat of the county of Cass shall forever thereafter be and remain at the town of Virginia, in Cass county.

Poll books to be returned to clerk of co. com'rs court of Cass co.

Citizens when county seat is located to donate certain lands to co.

SEC. 5. Should no place be chosen at the foregoing election by a majority of all the votes given, then another election shall be holden at the places, and be conducted in the manner hereinbefore prescribed, on the third Monday of September next, A. D. one thousand eight hundred and forty-three, for the purpose aforesaid, at which no other place or places shall be entitled to be voted for, except the two places which shall at the first election to be holden as aforesaid have received the highest number of votes, and no votes given at the said second election for any other place shall be taken into consideration in determining or ascertaining the result of said second election, but the place receiving the highest number of votes at said second election, to be ascertained on the return of the poll books in manner and form as hereinbefore provided for the return of the poll books of the said first election, shall become and forever thereafter remain the permanent county seat of Cass county subject to the restrictions and conditions contained in the third section of this act.

If no place is selected second election to be held

SEC. 6. Should the town of Beardstown be selected as the county seat of Cass county by the votes of said county according to the provisions of this act, the president and trustees of said town of Beardstown are hereby expressly author-

Provision in case Beardstown is selected as co. seat

ized to convey to the said county, for the purpose of carrying into effect the provisions of this act, any lot or lots of ground the title to which may be vested in said inhabitants of Beardstown.

Co. officers to
reside at co.
seat

SEC. 7. Should any other place than the town of Virginia become the seat of justice of the said county of Cass according to the provisions of this act, then it shall be the duty of the county officers of said county now required by law to reside at the county seat to remove to said place thus elected within three months from the time that the certificate of the presiding judge acting under this act shall have been filed in the office of the clerk of the county commissioners' [court] of said county of Cass as required by the fourth section of this act; and all writs and processes that may be pending in the courts of said county at the time of the filing of said certificate, shall be taken and held to be returnable to the county seat thus selected.

Election may
be contested

SEC. 8. If any person or persons, freeholder or freeholders, in any town or place that may be voted for as the county seat of said county of Cass, shall desire to contest the validity of the election of any town or place to be the county seat of Cass county, he or they shall give notice of his or their intention in writing to two freeholders of the town or place when the said election will be contested, within twenty days from the day of said election, expressing the point upon which the same will be contested, and the contest shall be in all respects conducted and decided in accordance with the provisions of an act approved February the twenty-third, one thousand eight hundred and thirty-three, entitled "an act to amend an act entitled an act to regulate elections;" *Provided*, either party may appeal from the decision of the justices to the circuit court as in other cases, and the decision of the circuit court shall be final.

APPROVED, March 4th, 1843.

In force,
Mar. 4, 1843.

AN ACT for the formation of the county of Benton, and for other purposes.

Boundaries of
Benton co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that tract of country lying and being in the following boundaries, to wit; beginning at the south-east corner of township thirteen, north of range eight, west of the third principal meridian, thence north on the county line between Morgan and Sangamon counties, nine miles, thence west to the south-west corner of section eighteen, township fourteen north of range eight west, thence south one mile, to the south-west corner of section nineteen, in the township and range aforesaid, thence west three miles, thence south two miles, to the north-west corner of section three, township thirteen north, range nine west, thence

west to the north-west corner of section six, township thirteen north, range nine west, thence south one mile, thence west eight miles, to the Scott county line, at the south-west corner of section two, township thirteen north, range eleven west, thence south to the south-west corner of section eleven, township eleven north, range eleven west, thence east two miles, thence south one mile, thence east two miles, thence south one mile, thence east to the south-east corner of section twenty-four, township eleven north, range nine west, thence north one mile, thence east three miles, thence north one mile, thence east to the south-east corner of section twelve, township eleven north, range eight west, thence north to the place of beginning, shall constitute and form a county to be called the county of Benton.

SEC. 2. That all that tract or part of the county of Morgan lying and being within the following boundaries and limits, to wit: commencing at a point in the centre of the main channel of the Illinois river, where a line running through the centre of townships seventeen north, intersects the same in range thirteen, west of the third principal meridian, thence down the centre of the main channel of said river to a point where the line dividing townships sixteen and seventeen north intersects the same, thence east with said township line to the east side of the county of Morgan, thence north three miles, to the south-east corner of Cass county, thence west on a line running through the centre of township seventeen north, to the place of beginning, be and the same is hereby attached to the county of Cass.

Portion of
Morgan at-
tached to
Cass co.

SEC. 3. At the election to be held in the county of Morgan for members of Congress, on the first Monday in August next, the judges and clerks of election, at the several places of voting in said county, shall rule two additional columns on their poll books, one for the formation of the county of Benton, and for attaching the territory above described to the county of Cass, and one against; and receive and cause to be recorded all the legal votes offered for or against the formation of the said county of Benton, and attaching the said territory to the county of Cass, and return the same with the poll books to the clerk of the county commissioners' court of Morgan county; the said clerk shall proceed to count the votes given for and against the formation of the county of Benton, and attaching the territory aforesaid to the county of Cass, and if it shall appear that a majority of all the votes given are in favor of the formation of the said county of Benton, and attaching the aforesaid territory to the county of Cass, he shall make out certificates under the seal of the county commissioners' court, and transmit one to the Secretary of State, and one to each of the clerks of the county commissioners' courts of the counties of Greene, Macoupin, and Cass, which certificate shall be evidence of the formation of the said county of Benton, and the attaching of the said territory to the

Two additional columns to be made in poll books at election for members of Congress in Morgan co.

Duty of judges & clerks

Duty of co. com'r's clerk of Morgan co.

Shall transmit certificate to Secretary of State

Duties of judges and clerks of elections in Greene co.

Poll books returned to clerk of com'rs court of Greene co.

Abstract of votes made &c.

Election of justices and constables

Co. officers qualified and commissioned

Term of office

Poll books to be returned to Scottsville

county of Cass. At the election to be held in the county of Greene, on the first Monday in August next, the judges and clerks of election, at the several places of voting in said county, shall rule two additional columns, in one of which shall be entered the votes for, and in the other the votes against the formation of the said county of Benton, and the said poll books shall be returned to the office of the clerk of the county commissioners' court of said Greene county, and the said clerk shall, at the time said poll books are opened, proceed to count the votes given for and against the formation of said county of Benton, and if it shall appear that a majority of all the votes given in said county are in favor of the formation of said new county, duplicate abstracts of the votes shall be made and certified by the clerk under the seal of the court, and one copy sent to the Secretary of State, and the other to the county commissioners' court of Macoupin county; but if it shall appear that there has been a majority of votes cast in Greene county against the formation of said new county, that fact shall be in like manner certified by the clerk and transmitted to the Secretary of State, and to the clerks of the county commissioners' courts of Macoupin and Morgan counties, in which event this act and every part and parcel thereof shall be null and void and of none effect; any thing in this act to the contrary notwithstanding.

SEC. 4. There shall be an election held at the different places of voting for justices of the peace and constables in the limits of said county of Benton, the election shall be conducted by the judges of election who may have been appointed by the counties of Morgan, Greene, and Macoupin, and who shall reside in the limits of the county of Benton, according to the election laws of this State; at which election the legal voters of the county of Benton shall elect all county officers for the county, who shall be qualified and commissioned as similar officers are in other counties of this State; said officers so elected and qualified shall hold their offices until the next ensuing regular election for such officers as now provided by law, and shall have the same jurisdiction, and discharge all the duties in the limits of the county of Benton that are required by law of similar officers in this State; the said election to be held on the first Monday in September next.

SEC. 5. That within five days after said election, the judges of election at the different places of voting shall return the poll books of said election to the town of Scottsville, directed to three justices of the peace, in the limits of said county, and the said justices shall meet in the town of Scottsville within seven days after said election, and proceed to open said election returns, and to do and perform all the duties in relation to said returns that are required by law of the clerks of the county commissioners' courts.

SEC. 6. As soon as the county officers shall have been elected and qualified, as provided for in this act, the county

shall be considered organized, and the clerk of the county commissioners' court shall give notice of the same to the judge of the first judicial circuit, who shall appoint a clerk of the circuit court for said county, and shall hold court in the said county at such place as may be designated by the county commissioners of said county, until the county seat of said county is located, as hereinafter provided for. The said county of Benton shall form a part of the first judicial circuit, until otherwise directed by law, and the judge of said circuit shall fix the time of holding said courts, and give notice thereof to the clerk of the said circuit court for said county.

Notice to be given when organized

Place of holding courts

Judges to fix time

SEC. 7. Suits and indictments that have been commenced, or that may hereafter be commenced, in the circuit courts of the counties of Morgan, Greene, or Macoupin, by any of the citizens living in the limits of the county of Benton before the organization thereof, shall not be affected by this act, but all such suits commenced shall be decided in the circuit court where they were commenced.

Suits commenced in Morgan, Greene and Macoupin before organization not to be affected

SEC. 8. All justices of the peace and constables, elected in the counties of Morgan, Greene, and Macoupin, who reside in the limits of Benton county, shall hold their offices, and have jurisdiction in the said county of Benton, as though they had been originally elected in the said county; and all justices of the peace and constables elected in Morgan county, and who may reside in the territory to be attached to the county of Cass, as provided for in this act, shall hold their offices and have jurisdiction in the county of Cass as though they had been originally elected in said county.

Justices and constables elected in said counties to hold their office &c.

SEC. 9. The school funds belonging to the several townships in the said county of Benton, and all notes, and mortgages, and other papers pertaining to the same, shall be paid and delivered over to the school commissioner of the county of Benton by the school commissioners of the counties of Morgan, Greene, and Macoupin, so soon as the said county shall be organized, and the school commissioner elected and qualified according to law, together with all interests arising out of said money that has not been heretofore expended for school purposes in those parts of the counties of Morgan, Greene, and Macoupin, now included in the county of Benton, and the school commissioner of Morgan county shall pay and deliver over to the school commissioner of Cass county, all moneys, notes, mortgages, and other papers appertaining to the school fund belonging to the citizens residing in the territory proposed to be attached to the county of Cass; *Provided*, said territory shall be so attached, together with all interest arising out of said money, that has not heretofore been expended for school purposes in that part of Morgan county proposed to be attached to Cass county.

School com'r of Morgan, Greene and Macoupin to deliver funds &c. to com'r of Benton co.

School com'r of Morgan to deliver to com'r of Cass co. all moneys &c.

SEC. 10. For the purpose of locating the seat of justice for the county of Benton, the following named persons, to wit: John W. Hewitt, of Greene county, William S. Hurst, of

Com'rs to locate co. seat of Benton

Morgan county, and William Chinn, of Macoupin county, are hereby appointed commissioners, who or a majority of them shall meet in the town of Scottsville, in said county, on the second Monday in September next, or within twenty days thereafter, and after being duly sworn by some justice of the peace of said county to the faithful performance of their duty, shall proceed to examine and locate the seat of justice of said county at the most eligible and convenient point, having due regard to the present and future interest of said county; and if said commissioners shall locate said seat of justice upon private property laid out into town lots, they shall ask and receive from the owner or owners of said property two thousand dollars to be applied by the county commissioners of said county in the erecting of public buildings, and if they shall locate the said seat of justice on private property not laid out into town lots, they shall secure from the owner or owners thereof a good and sufficient title to the county of Benton for twenty acres of land upon which said county seat shall be so located.

SEC. 11. The county commissioners of said county, if said seat of justice should be located on private property not laid out into town lots, shall proceed to lay out said twenty acres into town lots with a proper public square for public convenience, and after giving due notice proceed to sell said lots or such portion thereof as they may deem for the interest of said county, the proceeds of which shall be applied, under their direction, to the erection of public buildings for said county.

SEC. 12. Until the next apportionment of the representatives the legal voters residing within the boundaries of the county of Benton shall continue to vote for senators and representatives with the counties of Morgan, Macoupin and Greene, the same as if no division of said counties had taken place, and the returns of said election shall be made to the clerks of the county commissioners' courts of said counties of Morgan, Macoupin and Greene, respectively.

SEC. 13. Nothing in this act contained shall prevent the collection of the proportion of the indebtedness of the county of Morgan which may be due and uncollected from and in that portion of the county of Morgan which may be divided off to the county of Cass, and that which may be divided off to form a portion of the county of Benton, up to the time the division may be made. Said proportions of indebtedness up to said division may be collected any time after the said division may be made in the same manner as if no division had taken place.

APPROVED, March 4th, 1843.

AN ACT to extend the jurisdiction of the several counties bordering on the Mississippi and Wabash rivers. In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the counties of this State, or which shall hereafter be erected, which are or shall be bounded, or which may front on either the Mississippi or Wabash rivers shall respectively have and exercise jurisdiction upon such rivers so far as the counties shall respectively be bounded by the rivers aforesaid; which jurisdiction shall be exercised concurrently by the counties aforesaid with the contiguous States and territory bounded by said rivers, so far and to such extent as the said rivers shall form the boundary of the counties aforesaid, respectively, and also, the boundary between this State and contiguous States or Territories. Jurisdiction
of counties
bounded by
Mississippi
& Wabash

APPROVED, March 4th, 1843.

AN ACT to legalize certain acts of the county commissioners of Lake county. In force,
Jan. 19, 1843.

WHEREAS, Nelson Landen was re-elected to the office of county commissioner of Lake county on the first Monday in August, one thousand eight hundred and forty-one; and whereas, the said Landen proceeded to call a special term of the county commissioners' court of said county previous to his taking the oath of office; and whereas, in consequence of the informality of said call, said special term of said court has been declared by the circuit court of said county to be illegal; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts of said commissioners' court, at the said special term, held on the sixteenth and seventeenth days of August, in the year of our Lord one thousand eight hundred and forty-one, be and the same are hereby declared as legal and binding to all intents and purposes, both in law and equity, as if the said Nelson Landen had been qualified and sworn previous to calling the said term of said court. Acts of co.
com'rs court
legalized

SEC. 2. This act shall be in force from and after its passage.

APPROVED, January 19th, 1843.

AN ACT to authorize the county commissioners of Tazewell county to appoint an agent or agents for certain purposes therein named. In force,
Feb. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Tazewell county be and the same are hereby authorized to make, constitute, and appoint, one or more agents

Tazewell co. authorised to purchase lands sold to satisfy liens in favor of said co. and sell the same

Deeds how executed

Purchases made by J. H. Morrison ratified

to purchase, in the name of said county commissioners, any lands or town lots that may be sold under any decree of court, or otherwise, to satisfy any lien or liens in favor of said county of Tazewell, and the said county commissioners shall have power to grant, bargain, sell, and convey, for a valuable consideration for the use of said county, any or all of said tracts of land and town lots, to any person or persons with whom they may so contract, they making and executing in their official capacity to the purchaser or purchasers, a good and sufficient deed or deeds, and all other necessary acquittances and title papers for perfecting said transfers.

SEC. 2. That the said county commissioners be and the same are hereby further authorized and empowered by an order of the said court, entered of record, to ratify and confirm any or all purchases which may have been made of any lands or town lots, by John H. Morrison, clerk of the aforesaid county commissioners' court, by reason of sales heretofore made under decrees of court or otherwise, and hereby ratifying and confirming his said acts aforesaid, and giving him the same powers in the premises as are here granted to agents in the first section of this act; also, giving the said county commissioners power to accept and receive his said purchases of lands and town lots the same as though he had acted under an order of said court, by them first made for that purpose.

APPROVED, February 3d, 1843.

In force, Feb. 23, 1843.

AN ACT to authorize the county commissioners of the county of Bureau to borrow money.

Co. com'rs of Bureau authorised to borrow \$5,000 for the purpose of completing court house

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the county of Bureau be and they are hereby authorized to borrow any sum or sums of money, not exceeding five thousand dollars in all, for the purpose of building the court house now under contract in said county; *Provided,* that said commissioners shall not pay more than twelve per cent. interest on the money so borrowed.

APPROVED, February 23d, 1843.

In force, Mar. 1, 1843.

AN ACT to authorize the county commissioners of Fulton county to collect certain moneys therein named.

Co. com'rs of Fulton may collect money loaned

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of the county of Fulton, and their successors in office, are hereby authorized to collect any amount of money that they have loaned or that may be loaned from the county

treasury in pursuance of an order of the county commissioners' court of said county, at their June term, A. D. one thousand eight hundred and forty-two.

APPROVED, March 1st, 1843.

AN ACT to authorize the county commissioners of Jackson county to borrow money for certain purposes therein named.

In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Jackson county are hereby authorized to make a loan of money on behalf of the county, of any person or persons not to exceed three thousand dollars; which money, when so borrowed, shall be applied to the erection of a court house in said county and for no other purpose. This act to take effect from and after its passage.

Com'rs authorized to make loan

APPROVED, March 1st, 1843.

AN ACT to authorize county commissioners' courts to assess taxes for road purposes.

In force.
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the county commissioners' courts of the several counties in this State, in levying a tax for county purposes, shall not exceed fifty cents on every one hundred dollars worth of taxable property, in their counties respectively; and at the time of fixing upon the amount of tax to be assessed and collected for county purposes the said court may, in their discretion, set apart any amount of the tax so levied for county purposes, not exceeding one half of said levy, for road purposes, which taxes so levied and set apart may be discharged in labor in pursuance of the provisions of "an act concerning public roads," approved February 20th, 1841; *Provided*, that the county commissioners' courts of the several counties in this State may allow to every such person a sum not exceeding one dollar per day, in discharging the road tax herein authorized to be assessed and set apart for road purposes; *Provided, further*, that nothing herein contained shall be so construed as to prevent the county commissioners from requiring road labor to be performed as provided in the fourteenth section of the above recited act; the taxes herein provided to be assessed shall be collected in the same manner and at the same time as now required by law.

Co. com'rs not to levy a tax exceeding 50 cents on 100 dollars worth of property
May set apart one-half for road purposes

Proviso

SEC. 2. All laws and parts of laws of a general nature, coming within the provisions of this act, be and the same are hereby repealed.

APPROVED, March 4th, 1843.

In force,
Feb. 25, 1843.

AN ACT for the regulating of county treasuries and county funds.

Co. com'rs to
settle with
treasurer
once in six
months

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of each and every county in this State shall, at their June term, one thousand eight hundred and forty-three, and every six months thereafter, settle with their county treasurer, and count the funds then in the treasury of their county, and the clerk of said court shall then enter on the records of said court the amount and kinds of funds found to be in the treasury at the time.

Defaulting
treasurer to
be dismissed
and sued

SEC. 2. Should the treasurer, at any such settlement, prove a defaulter, and actually in arrears with the county, the county commissioners shall immediately dismiss him from office, and commence suit against him on his official bond.

Treasurer to
keep a cash
account

SEC. 3. The county treasurer of each county in this State shall furnish himself with a cash book, in which, after the first day of June next, he shall enter the amount and description of all moneys coming to his hands, particularly noting the time when and of whom received.

Com'rs may
call on treasu-
rer for settle-
ment and re-
move him if
he neglects or
refuses to at-
tend

SEC. 4. The county commissioners' court of any county in this State may, at any time when any two of them think it for the interests of the people of their county so to do, call through their clerk upon the treasurer of their county for a settlement, and should said treasurer neglect or refuse to appear and make settlement as notified to do, said commissioners shall declare his office vacant, and proceed upon his bond as required to do by the second section of this act.

May examine
treasurer on
oath in rela-
tion to co.
funds

SEC. 5. Should the county commissioners' court of any county in this State be of opinion that the treasurer of their county has at any time used the funds of said county when current, and re-placed the same in depreciated funds, they shall have the power to examine said treasurer under oath as touching said transaction, and if it shall appear he has parted with any current funds belonging to the county, and replaced the same with funds less valuable, they shall immediately dismiss him from office.

On removal of
treasurer his
successor
shall be ap-
pointed

SEC. 6. Should any county treasurer be dismissed from office pursuant to the provisions of this act, it shall be the duty of the county commissioners' court to appoint some suitable person to fill the vacancy so occasioned, and the person so appointed shall give bond and security as now required by law of county treasurers, and shall perform all the duties enjoined upon the county treasurer until one is elected and qualified. This act to be in force from the day of its passage.

APPROVED, February 25th, 1843.

AN ACT permanently to locate the county seat of Mason county.

In force,
Jan. 14, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the second Monday in February, A. D. 1843, there shall be an election held at Havana, James Walker's, Lynchburg, and Bath, in the county of Mason, and the judges and clerks of the different election precincts in said county are hereby authorized to open poll books and receive votes at said places for the towns of Havana and Bath in said county, as candidates for the seat of justice for said county.

People to vote
for co. seat

SEC. 2. The election provided for in the foregoing section shall not be held unless the proprietors or friends of said town of Bath shall execute and deliver to the clerk of the county commissioners' court of said county a good and sufficient bond for a block of lots on which to erect the public buildings in said town, and said proprietors shall also on or before the first day of February, A. D. 1843, make, execute and deliver to said clerk their promissory note with good and sufficient security to be approved by said clerk, and said note shall be drawn in substance, as follows: "\$1000. Six months after date, we or either of us, jointly and severally, promise to pay George T. Virgin, John R. Chaney, and Amos Smith, or their order, county commissioners of the county of Mason, or their successors in office, for the use of the county of Mason, the sum of one thousand dollars for value received, dated Mason county, Illinois, February the first, A. D. 1843;" and if the town of Bath shall receive the greatest number of votes for county seat, the clerk shall deliver to the county commissioners said note and bond; which note and bond may be sued and collected the same as other notes and bonds, and a certificate from the clerk of the county commissioners' court of said county certifying that the aforesaid note and bond have been filed in his office, with good and sufficient security approved by him, shall be deemed sufficient evidence to authorize the judges and clerks of election to open poll books at the several places in said county for holding the election as aforesaid.

Proprietors of
Bath to exe-
cute bond for
deed

To execute
note

Form of note

Note & bond
to be deliver-
ed to co.
com'rs

SEC. 3. If the clerks and judges shall refuse to open a poll book and receive votes for the town of Bath, after a certificate duly certified agreeable to the provisions of the second section of this act shall be deposited with them, the poll book of said precinct shall be rejected.

Poll book in
certain event
to be rejected

SEC. 4. No person shall vote at the special election provided for by this act except such persons were residents and legal voters of said county of Mason on the first day of January, 1843, and shall continue to reside in said county up to the time of said election.

Qualification
of voters

SEC. 5. The returns of said election shall be made to the clerk of the county commissioners' court, as provided for by law in relation to other elections, and said poll books shall be opened and compared by said clerk and two justices of the

Returns how
made

peace of said county, and two abstracts shall be made out and certified and subscribed by them, and one shall be filed by said clerk in his office and the other transmitted to the Secretary of State.

Mode of con-
testing elec-
tion

SEC. 6. In case the friends of either of said towns shall be dissatisfied with the abstracts made out by the clerk and justices as aforesaid, and shall wish to purge the poll books by proving off illegal votes, William H. Nelms and Benjamin H. Gattan shall be considered as representing the interest of the town of Bath, and N. J. Rockwell and H. L. Ross as representing the interest of the town of Havana, and either of said parties may give notice to the other in writing, at any time within ten days after said election, which notice shall specify the time that said contest shall take place, not to exceed twenty days from the time of said election; and in the event of a contest as aforesaid, John Camp, probate justice of the peace, Ira Patterson and Pollard Simmons justices of the peace, in and for said county of Mason, are hereby authorized and required to meet at the town of Matanzas at the time specified in the aforesaid notice, and proceed to hear and determine, from the testimony adduced before them, which of said towns has received the greatest number of votes for county seat. Said justices are hereby authorized to issue subpoenas, swear witnesses, and compel their attendance, and if either party shall be dissatisfied with the decision of said justices they shall be allowed an appeal to the circuit court of said county.

Vacancy may
be filled

SEC. 7. If either of said justices shall refuse or neglect to attend at the time and place of trial, the vacancy may be filled by the other justices.

Offices to be
kept at co.
seat

SEC. 8. If the town of Bath shall receive a majority of the legal votes polled at said election, it shall be the duty of all officers required by law to reside at the county seat to remove their offices, together with the books, papers, and records appertaining to the same, to the town of Bath, between the 20th day of June and the 4th day of July next.

Note and
bond to be re-
turned

SEC. 9. If the county seat shall be removed from Havana to Bath, the county commissioners shall return the note and bonds given by the proprietors of Havana to said proprietors, and the same shall be null and void.

Notice of
election

SEC. 10. The clerk of the county commissioners' court of said county of Mason shall give notice of the time and place of holding the election provided for by this act as in case of other elections.

SEC. 11. This act shall take effect and be in force from and after its passage.

APPROVED, January 14th, 1843.

AN ACT for the permanent location of the county seat of Lake county. In force,
Jan. 19, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county seat of Lake county be and the same is hereby permanently located at Little Fort, on the site selected by the county commissioners of said county, in pursuance of an act in force February nineteenth, one thousand eight hundred and forty-one.

Location of
co. seat at
Little Fort

APPROVED, January 19th, 1843.

AN ACT to authorise the removal of the seat of justice of McHenry county. In force,
Feb. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an election shall be held in the county of McHenry on the first Monday of August, eighteen hundred and forty-three, at the usual places of holding elections in said county, for the removal of the seat of justice of said county; at which time and places the legal voters of said county shall vote for such place as they respectively desire should be the seat of justice of said county; at which election the clerks thereof shall open upon their respective poll books as many columns as there may be places voted for, for the seat of justice of said county, and the said election shall be conducted, and the returns thereof made in the same manner as is provided in ordinary cases of the election of justices of the peace for said county; the clerk of the county commissioners' court of said county shall, immediately after the receipt by him of the election returns, in the presence of two justices of the peace of said county, open the said election returns, compare them, and certify the same to the county commissioners' court of said county; and if it shall appear from the returns of said election, that a majority of the legal voters of said county are in favor of the seat of justice of said county remaining where the same is now located, then no further proceedings shall be had, but the seat of justice of said county shall be and remain where the same is now located.

Election for
removal of
co. seat

Poll books
how prepared

Manner of
conducting
elections and
making re-
turns

Majority vot-
ing against a
removal, seat
of justice to
remain where
it now is

SEC. 2. If it shall appear from the aforesaid election returns that the place where the seat of justice of said county is now located, has not received a majority of the legal votes polled at said election in favor of the same remaining the seat of justice of said county, but that some other one place has received a majority of said legal votes in favor of the seat of justice of said county being removed to the same, then it shall be the duty of the county commissioners' court of said county to cause proclamation of such fact to be made, and published in some public newspaper published in said county, or to be posted on the door of the court house of said county for thirty days; but if it shall appear from said election returns, that neither place voted for shall have received a majority of the

If any other
place receives
a majority of
votes procla-
mation to be
made

No place receiving a majority another election to be held the first Monday of Sept., 1843

aforesaid votes in favor of being the seat of justice of said county, then an election shall be held in said county on the first Monday of September, eighteen hundred and forty-three, at the same places, and to be conducted in the same manner, as is provided in the first section of this act for the election therein named; at which time and places the legal voters of said

The two places receiving highest vote only to be voted for, and the one of such two receiving a majority to be the co. seat

county shall vote for one of the two places only which received the highest number of votes at the previous election, and the place receiving the highest number of votes at said last election in favor of being the seat of justice of said county shall thereafter be the permanent seat of justice of said county, and it shall be the duty of the county commissioners' court of said county to cause proclamation of the result of the last aforesaid election to be made, in the same manner as is hereinbefore provided, in case of any place receiving a majority of all the votes at the first aforesaid election.

No place to be voted for unless proprietors enter into bond to erect public buildings &c.

SEC. 3. It shall not be lawful at either of the aforesaid elections for any place, except the place where the seat of justice of said county is now located, to be voted for for the seat of justice of said county, unless the proprietors thereof, or some other persons, shall have filed in the office of the clerk of the county commissioners' court of said county, during the June term of said court, in the year eighteen hundred and forty-three, a bond with good security, and with sufficient penalty to be approved and accepted by the aforesaid court, conditioned that they will convey or cause to be conveyed to the county commissioners of said county, for the use of said county, two acres of land, free of incumbrance, situated in the place to be voted for for the seat of justice of said county, and suitable for the erection of the public buildings of said county thereon, by a good and sufficient warranty deed of conveyance; and also that they will erect, or cause to be erected, thereon a court house and jail, as good and valuable as those now erected in said county, within one year from the time of the location of said seat of justice, in case the said place shall receive a majority of all the votes given for the seat of justice of said county at either of the aforesaid elections.

Co. com'rs to superintend erection of public buildings

SEC. 4. It shall be the duty of the aforesaid commissioners to superintend the erection of the aforesaid court house and jail, and to enforce the performance of the conditions of said bond, and if the same shall be specifically complied with, to accept the said court house and jail, and thereupon they shall cause proclamation to be made and published in some public newspaper published in said county, or to be posted up in five of the most public places of said county, declaring and making known, that from and after a day to be therein named, not exceeding thirty days from the date thereof, the seat of justice of said county shall be and remain permanently located at the aforesaid place, when said court house and jail shall have been erected, as provided in this act.

Proclamation to be made

SEC. 5. The seat of justice of said county shall be and re-

main at the place where the same is now located until the day appointed for the removal of the same in the proclamation to be issued under the preceding section of this act.

Co. seat to remain where it now is till notice is given

APPROVED, February 6th, 1843.

AN ACT for the removal of the county seat of Henry county.

In force,
Feb. 21, 1843.

WHEREAS, in conformity with "an act to legalize the acts of certain officers of Henry county and for other purposes," passed February first, one thousand eight hundred and forty, the commissioners therein named did, some time in the month of August following, locate the seat of justice of said county at Morristown; and whereas, the said location failed to give general satisfaction, and a majority of the legal voters of said county have petitioned for a removal of said seat of justice from Morristown to the south-east quarter of the north-west quarter and the north-east quarter of the south-west quarter, of section number seven, in township number fifteen north of the base line, of range number three, east of the fourth principal meridian; therefore,

Preamble

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the seat of justice of said county shall be removed from Morristown to the said south-east quarter of the north-west quarter and the north-east quarter of the south-west quarter, of section number seven, in township number fifteen north of the base line, of range number three, east of the fourth principal meridian, so soon as a good and sufficient general warranty deed, conveying said land in fee simple to the county commissioners of said county and their successors in office, for the use of said county, shall have been duly executed and delivered to the said county commissioners by the owner or owners thereof; which shall thereafter be and remain the permanent seat of justice of said county.

Co. seat of Henry co. removed

SEC. 2. It shall be the duty of the said county commissioners, immediately after the receipt of the deed for the land aforesaid, to cause the whole or any part of said land to be surveyed into town lots upon such plan as may be agreed on by them, and to advertise and sell the same at such time and on such terms as they may deem most for the interest of the county, and the proceeds of said sale, or so much thereof as may be necessary, shall be applied to the erection of a court house and jail for said county.

Co. com'rs to cause the land to be surveyed into town lots and sold

Proceeds of sales how applied

SEC. 3. The county commissioners' court and the circuit court of said county shall hold their respective terms of court at Morristown until suitable buildings for the accommodation of said courts shall be erected at the county seat now established by this act. and the several public officers of said county are hereby authorized and permitted to reside at their respec-

Courts to be held at Morristown till buildings are erected at co. seat

tive places of residence until suitable buildings for the transaction of the official business shall also be erected.

Co. com'rs to
refund land
and other pro-
perty dona-
ted to county
in certain ca-
ses

SEC. 4. The county commissioners of said county are hereby required, within twelve months from the passage of this act, to re convey all lands, lots, and other property, and refund all moneys to the donors thereof which may have been given to the said county in consideration of the location of said county seat at Morristown.

APPROVED, February 21st, 1843.

In force,
Feb. 23, 1843.

AN ACT for the removal of the county seat of Crawford county.

Legal voters
of Crawford
may vote for
or against re-
moval of co.
seat

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the general election held in the county of Crawford, on the first Monday in August next, the legal voters of said county shall vote for and against a removal of the seat of justice of said county; and if it shall appear from the returns of said election that a majority of all the votes given are not in favor of such removal, no further proceedings shall be had, but said seat of justice shall remain at Palestine, as now established by law.

If removed an
election to be
held to estab-
lish location

SEC. 2. If it shall appear that a majority of all the votes given at said election shall be in favor of a removal of the seat of justice from Palestine, there shall be an election held in the said county within thirty days thereafter, to be conducted as other elections are, when the qualified voters of said county shall vote for the establishment of said seat of justice at such place as they may think proper; and the place receiving the majority of all the votes shall be the permanent seat of justice of said county.

Donations for
co. seat may
be offered

SEC. 3. At least twenty days previous to such election donations may be offered, viz: persons offering donations for said county seat shall file with the clerk of the county commissioners' court a good and sufficient bond to the acceptance of said officer, binding themselves to donate a quantity of land, not less than forty acres, binding themselves, their heirs, and assigns, to make to the county a deed in fee simple, with covenants of general warranty for the land proposed to be donated as aforesaid, to be executed and delivered within one month after the location of the county seat thereon, and such land shall not only be described in the bond, but clearly designated and defined by metes and bounds with sufficient land marks at the time of filing the bond, that any person wishing may view the same.

Co. seat to be
surveyed into
town lots and
sold

SEC. 4. In case it should be decided at the said second election that a majority of all the voters have selected a place for the re-location of the county seat of said county, then the county commissioners shall immediately cause to be surveyed into town lots as much of said land as they may deem advisa-

ble, and after reasonable notice, proceed to sell the same upon such terms as they may deem best for the interest of the county, and contract for the building of a suitable courthouse, jail, and such offices as may be necessary at said new county seat, and shall, within six months after such re-location, give notice signed by the clerk of said court that within thirty days thereafter all the books, offices, and records of said county will be removed to said new town. Proceeds of sale how applied

SEC. 5. If at the said second election there should not be a majority of all the votes given in favor of any particular place, it shall be the duty of the clerk of the county commissioners' court forthwith to advertise for another election, to be held within thirty days thereafter; at which election the votes shall be given only for the two places having the highest number of votes at the previous election, and so soon as the result of said election shall be ascertained the county commissioners shall proceed as provided in the fourth section of this act. Second election to be held if no location is fixed upon at first election

SEC. 6. It shall be lawful for the county commissioners of said county to lay off the whole of the land which may be donated for such county seat into town lots, if they think best, or dispose of a part as out-lots of one acre or more, or they may reserve from immediate sale such part of said town or out-lots, or land, until it may be to the interest of the county to sell the same. Lots how sold and laid off

SEC. 7. It shall be the duty of the county commissioners' court to cause special entries to be made of record of the result of said elections, and file and preserve said returns and poll books for inspection. Com'rs court to record results of said elections

SEC. 8. If any person shall be of the opinion that illegal votes have been given for the removal or re-location of said seat of justice, it shall be lawful to contest the same by giving fifteen days previous notice, by public advertisement in six of the most public places in the county, stating the names of all persons suspected to have given illegal votes, and also, the name of the magistrate before whom depositions will be taken; and the county commissioners shall open and examine said depositions when setting as a court, and determine whether the result of said election would be changed by the rejection of illegal votes proved to have been given, from whose judgment an appeal may be taken to the circuit court of said county, who shall hear and determine the same, from whose decision there shall be no further appeal. Election may be contested

APPROVED, February 24th, 1843.

AN ACT in relation to the county seat of Jackson county.

In force.
Feb. 24, 1843.

SEC. 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That Samuel T. Russell, of Williamson county, William C. Murphy, of Perry county, and*

Com'rs appointed to re-locate co. seat John Cochran, of Union county, be and they are hereby appointed commissioners to re-locate the county seat of Jackson county.

When and where to meet **SEC. 2.** Said commissioners, or a majority of them, shall meet in the town of Brownsville, on the second Monday in August next, or within a reasonable time thereafter, and after being duly sworn to the faithful discharge of their duties, shall proceed to examine such parts of said county as they may think proper, to enable them to locate said county seat for the public good; the commissioners shall make said location as near the centre of said county as an eligible site can be procured, taking into consideration the public interest. The commissioners shall make out and return to the clerk of the county commissioners' court a certificate of the re-location of said county seat, which shall be recorded by the clerk.

Donation to be made if located on private property **SEC. 3.** If the location of the county seat shall be made on private property, the owner shall be required to donate a tract of land, not less than twenty acres, which shall include the town site selected by said commissioners, and shall convey the same by a good deed to the county of Jackson.

Land to be laid off into lots and sold **SEC. 4.** The county commissioners of Jackson county, as soon as the county seat is located under the provisions of this act, shall proceed to lay off into lots and sell so much of the said tract of land as may seem to them best for the interest of said county, which shall be sold at public auction, after having given due notice of the time and place of said sale. The proceeds of the sale to be applied, under the direction of the county commissioners, to the erection of public buildings for said county.

Proceeds of sale how applied **SEC. 5.** After the county seat shall have been located, as provided for in this act, the county officers of Jackson county who are required by law to keep their offices at the county seat, as soon as they can procure suitable places for keeping their offices, shall move the same to the county seat so located.

Public property in Brownsville to be sold **SEC. 6.** On the removal of said county seat, the county commissioners of Jackson county shall give public notice, and proceed to sell to the best bidder all the public property owned by the county in the town of Brownsville, and the proceeds of all such sales shall be applied to the erection of public buildings, under the direction of the county commissioners, at the county seat, when located under the provisions of this act; *Provided*, that they may retain the jail until they shall think it necessary to build a jail at the county seat when located.

Court house & other public buildings to be erected **SEC. 7.** The county commissioners shall, immediately on the location of the county seat, proceed to cause to be erected at the county seat, a suitable court house, and other necessary buildings for public uses, which shall be prosecuted with all reasonable diligence.

SEC. 8. The commissioners appointed by this act to re-locate

the county seat of Jackson county, shall be allowed a reasonable compensation for their services, to be paid out of the treasury of Jackson county. Compensation to com'rs

SEC. 9. If the county seat shall be located on public land, the commissioners shall inform the county commissioners thereof, who shall immediately procure the purchase of said land for the county, upon which they shall cause a town to be laid off, and the lots sold, the proceeds of which shall be applied to the erection of public buildings. If located on public land the same to be purchased by county

SEC. 10. That at an election to be held in the county of Jackson, on the first Monday in August, the judges of said election in the several precincts shall open a column in their poll books, in which they shall be required to record all the votes of the legal voters of said county, for or against the removal of said county seat, and return the same to the clerk of the county commissioners' court, who shall, in the presence of two justices of the peace, open and examine the same, and if there shall be a majority of the voters in favor of the removal of the said county seat, this act to be in full force and virtue, and if a majority of the voters of said county be opposed to the removal of said county seat, this act to be null and void. Election to be held for or against removal

APPROVED, February 24th, 1843.

AN ACT to provide for the permanent location of the county seat of Winnebago county. In force, Feb. 25, 1843.

WHEREAS, a majority of the voters of Winnebago county have in pursuance of an act of the Legislature, entitled "an act to re-locate the county seat of Winnebago county," approved March second, one thousand eight hundred and thirty-nine, voted for the permanent location of the county seat of said county at Rockford, in said county; and whereas, doubts have arisen as to the construction of said act; therefore, Preamble

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county seat of Winnebago county is, and it is hereby declared to be, permanently located and established at Rockford, in said county. Co. seat of Winnebago co. established at Rockford

APPROVED, February 25th, 1843.

AN ACT to permanently locate the seat of justice of the county of Whiteside. In force, Feb. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That G. W. Harrison, of Jo Daviess county, Joshua Harper, of Henry county, Leonard Andrus, of Ogle county, John McDonald, of Jo Daviess county, and R. H. Spicer, of the county of Mercer, be and they are Com'rs to locate co. seat of Whiteside co. appointed

hereby appointed commissioners. to locate the county seat of Whiteside county.

When and where to meet **SEC. 2.** Said commissioners, or a majority of them, shall meet at the town of Albany, in said county of Whiteside, on the first Monday of May next, or within thirty days thereafter, and after being duly sworn to locate said county seat at the place which will most conduce to the public good of said county, shall proceed to examine such parts of said county as they may think proper, to enable them [to] locate said county seat for the public good; and when said commissioners, or a majority of them, shall have made such location, they shall make out and return to the clerk of the county commissioners' court of said county, a certificate of such location; which shall be recorded by the clerk of the county commissioners' court in his office; *Provided*, said commissioners shall in no case locate said county seat at any place where a donation of land of not less than eighty acres upon which to locate said seat of justice can be secured to the county for county purposes.

To make report to com'rs court of said county

Proviso

Co. seat laid off into town lots & sold **SEC. 3.** If said county seat shall be located at a place where no town has heretofore been laid off, it shall be the duty of the county commissioners of said county, to cause the same to [be] laid off into town lots, and the plat thereof recorded according to law, and shall thereupon proceed to sell at private or public sale such portions of said town lots, and at such times and on such terms as they may deem calculated to produce the greatest amount of money, and be conducive to the best interest of the county.

Com'rs shall build public buildings **SEC. 4.** The county commissioners of said county shall, as soon as convenient after the location of said county seat, cause to be erected at said county seat a suitable court house and other necessary buildings for public uses, and all the public officers of said county, who by law are required to keep their offices at the county seat, shall, so soon as they can procure suitable places for keeping their offices, remove the same to the county seat so located.

Com'rs may locate c. seat at any town already laid off **SEC. 5.** The commissioners appointed by this act to locate the seat of justice aforesaid, may locate the same at any town already laid out in said county, if in their judgment it is suitable for said county seat; *Provided*, the proprietors of said town, or persons interested therein, will secure to the county such donations as have been heretofore offered by said towns respectively, for the location of the county seat of said county under the act entitled "an act to locate the county seat of Whiteside county, and provide for the election of county officers," approved February 21st, 1839.

Donation in such case

Compensation **SEC. 6.** The commissioners appointed by this act to locate the county seat shall each be paid the sum of three dollars per day out of the county treasury of said county, for each day they may be employed in making said location.

APPROVED, February 28th, 1843.

AN ACT permanently to locate the county seat of Woodford county. In force,
Feb. 28. 1843,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James K. Scott, of De Witt county, Joseph L. Sharp, of Fulton county, and John H. Harris, of Tazewell county, be and they are hereby appointed commissioners, whose duty it shall be to locate a permanent seat of justice in and for the county of Woodford. Com'rs to locate co. seat of Woodford county

SEC. 2. The said commissioners, or a majority of them, shall meet at the present county seat of said county, on the first Monday of June, A. D. one thousand eight hundred and forty-three, who, after being duly sworn by some justice of the peace of Woodford county, faithfully to take into consideration the geographical boundaries of the county, the convenience of the inhabitants, the settlements that are or hereafter may be made, the eligibility of situations, and such other rights as they may think proper, shall proceed to fix upon a place for the permanent location of the county seat for said county of Woodford. Com'rs to meet and proceed to locate co. seat

SEC. 3. The said commissioners, or a majority of them, are hereby authorized to locate said county seat in any town now laid off into lots; *Provided*, that the proprietor or proprietors thereof shall donate, and with covenants of general warranty to said county of Woodford, lots of an equal value to fifteen hundred dollars in cash. May locate same in any town laid off

SEC. 3. If said commissioners shall locate said seat of justice upon private property not laid out into town lots, they shall ask and receive from the proprietor or proprietors a donation in land or money equal to fifteen hundred dollars; if the donation be in land the title to be secured by deed to said county. Donation to be made if located on private property

SEC. 5. If the county seat shall be located upon public land, the county commissioners of Woodford county shall proceed to procure money by loan or otherwise and enter the land for said county, upon which said location shall have been made. Said entry shall not exceed one quarter section. If located on public land the same to be entered by the county

SEC. 6. When said commissioners, or a majority of them, shall have agreed upon a place for the county seat as herein provided, they shall make report thereof under their hands, describing particularly the place so selected to the county commissioners' court of said county of Woodford, who, at their next term, shall cause the same to be entered upon the records of said court, and the place so selected shall be and remain the permanent seat of justice for said county of Woodford. To make report to co. com'rs court of Woodford county

SEC. 7. The proceeds of all donations granted to said county, under the provisions of this act, shall be faithfully applied to the erection of public buildings in said county under the direction of the county commissioners. Said commissioners are hereby authorized to make conveyances to any person who may become the purchaser of any property sold to raise money for the erection of public buildings in the county in Proceeds of donation how applied

their own names, as commissioners for and in behalf of said county.

Compensation to com'rs

SEC. 8. The commissioners appointed by the provisions of this act for the location of said seat of justice, shall each receive a reasonable compensation in the discretion of the county commissioners of said county of Woodford, who are authorized and required to pay said commissioners.

Com'rs to lay off co. seat in town lots and sell same

SEC. 9. In the event that the aforesaid county seat should be located on private property not laid out into town lots according to the provisions of the fourth section of this act, or on public lands according to the provisions of the sixth section of this act, the said county commissioners, or a majority of them, shall, as soon as conveniently may be after the title to the land to be donated to or purchased by them, as the case may be, or shall be entered in the said county of Woodford, cause the said land to be laid off into town lots, and the said lots or so many of them as may be deemed necessary for such purpose, to be sold at such time and place, and on such terms as the said county commissioners, or a majority of them, may in their discretion determine upon, and appropriate the proceeds of said sale to the erection of public buildings for said county.

Erect public buildings with the proceeds

Laws conflicting with this act repealed

SEC. 10. So much of the provisions of any former law as authorizes the location of the county seat of Woodford county in any other manner than is herein provided, by commissioners, be and the same are hereby repealed. This act to take effect from and after its passage.

APPROVED, February 28th, 1843.

In force, Feb. 28, 1843.

AN ACT to locate the permanent seat of justice of Mercer county.

Com'rs appointed to locate co. seat of Mercer co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Shannon, of Knox county, Andrew Rogers, of Warren county, and Joshua Harper, of Henry county, be and they are hereby appointed commissioners, whose duty it shall be to locate a permanent seat of justice for the county of Mercer, and the county seat when selected and located, shall be called by such name as the said commissioners shall direct.

Com'rs to meet and fix upon place for co. seat

SEC. 2. The above named commissioners, or a majority of them, shall meet at the town of Millersburg, in the said county of Mercer, on the first Monday of June next, or within thirty days thereafter, and after being duly sworn by some justice of the peace faithfully to take into consideration the convenience of the people of said county, the situation of the settlements now made, and that may hereafter be made, and the comparative eligibility of the different sites, shall proceed to fix upon the place for the said county seat.

SEC. 3. When the said commissioners, or a majority of them, shall have agreed upon a place for the said county seat

as is provided in the second section of this act, they shall make report thereof under their hands, particularly describing the place they have so selected, to the county commissioners' court of Mercer county, who at their next term shall cause the same to be entered on the records of said court, and the place so selected shall be and remain the permanent seat of justice of the said county of Mercer.

Report to co.
com'rs court
of Mercer co.

SEC. 4. Should said commissioners conclude to locate the said county seat on private property, if the same be unoccupied land, they shall obtain from the owner or owners thereof a donation of at least twenty acres of the same, and if it be a town or village they shall obtain from the proprietors thereof a donation of at least fifty town lots of an average value with the remaining lots of said town or village, and shall also accurately describe the said donation in their report to the county commissioners' court aforesaid, and shall take from the owner or owners aforesaid, a deed in fee simple of the said donation to the said county of Mercer, and transmit the same with their said report to the said court, and if the said owner or owners refuse to make the said donation in manner and form as aforesaid, the said commissioners shall not locate the said county seat on his, her, or their land or property; and if the said commissioners shall locate the said seat of justice on public land, the county commissioners' court of said county are hereby authorised and required to purchase any quantity of land, not exceeding one quarter section, in the name and for the use of said county; which land, or such part thereof as the said court may direct, shall be laid off in town lots in such manner, and sold for the use of said county at such time and place, as the said court may direct.

To receive
donations in
case co. seat
is located on
private prop-
erty

If on public
lands, shall
be entered by
co. com'rs for
the use of the
county

SEC. 5. If the said county seat shall be located as aforesaid at any place other than the town of Millersburg in said county, then the circuit and county commissioners' courts of said county of Mercer shall continue to be held, and the public officers required by law to keep their offices at the county seat, shall continue to keep their offices at, and the public business of said county shall continue to be transacted at the town of Millersburg, until the first of December, one thousand eight hundred and forty-four, unless otherwise ordered by the commissioners' court of said county, from which time all the public business of said county shall be done and transacted at the county seat located by the said commissioners.

If not located
at Millersburg
the same to
remain the co.
seat till Dec.
1st, 1844

Unless other-
wise ordered
by com'rs
court

SEC. 6. The county commissioners' court shall allow the said commissioners a reasonable compensation for their services, not exceeding three dollars per day, to be paid out of the treasury of the said county of Mercer.

Compensa-
tion to com'rs

SEC. 7. All acts and parts of acts coming within the purview of this act are hereby repealed.

APPROVED, February 28th, 1843.

In force,
Mar. 2, 1843.

AN ACT to re-locate the county seat of Carroll county.

Com'rs to re-
locate co. seat
of Carrol co.
appointed

Their duties

Election to
be held

Returns
thereof

Donations to
be made to
county

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Dixon, of Lee county, Moses Hallet, of Jo Daviess county, and Nathaniel Belcher, of Rock Island county, be and they are hereby appointed commissioners to select a site for the re-location of the county seat of Carroll county, to be voted for as hereinafter prescribed; and the said commissioners, or a majority of them, shall meet at Savanna, in the county of Carroll, on the first Monday in May next, or within fifteen days thereafter, and after being duly sworn to the faithful discharge of their duties, shall proceed to examine such parts of said county as they may think proper, to enable them to select such a site as in their opinion shall give the greatest amount of good to the greatest number of inhabitants of said county, as a county seat; and said commissioners, after having made such selection, shall report to the clerk of the county commissioners' court of said county a certificate thereof; which certificate of said selection shall be recorded by the clerk of said county commissioners' court; *Provided, always,* that such selection so made shall not be the town of Savanna.

SEC. 2. That an election shall be held in the county of Carroll, on the first Monday in August next, at the usual places of holding elections in said county, for the removal of the seat of justice of said county; at which election the clerks thereof shall open two columns one for Savanna, the present seat of justice, and one for the place which shall be designated by the commissioners hereinbefore appointed, and shall receive and record the votes of each qualified voter for one of the aforesaid places as the seat of justice thereafter for said county. The said election shall be conducted, and the returns thereafter made in the same manner as is provided in ordinary cases of the election of justices of the peace. The clerk of the county commissioners' court shall immediately after the receipt by him of the returns of said election, in the presence of two justices of the peace, open said election returns, compare them, and certify the same to the county commissioners' court, and the place having the greatest number of votes shall be and remain the seat of justice in said county.

SEC. 3. If the place designated and selected by the aforesaid commissioners, and by them certified as aforesaid, shall receive the greatest number of votes for said seat of justice, and shall be located on private property, then the owner or owners thereof shall be required to convey to said county, by a good and sufficient deed of conveyance, all necessary ground for a public square, for a jail, and for the clerk's office, sheriff's office, and recorder's office.

SEC. 4. The county commissioners of Carroll county are hereby authorized to receive and collect donations to said county, and to take such security for the payment thereof as they may deem proper.

SEC. 5. The commissioners appointed by this act to select a seat of justice shall be entitled to a reasonable and proper compensation for their services, to be paid out of the county treasury of Carroll county. Compensation of com'rs

SEC. 6. If, at the election above provided for, the place certified to and selected by the said commissioners, shall have the greatest number of votes for the future county seat, then the county officers of Carroll county, who are required by law to keep their offices at the county seat, as soon as they can procure suitable places for keeping their offices, shall move the same to the county seat so located. Co. offices to be kept at co. seat

APPROVED, March 2d, 1843.

AN ACT supplemental to an act entitled "an act to permanently locate the seat of justice of Woodford county." In force, Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Levi A. Hannaford, of Peoria county, and John H. Bryant, of Bureau county, be and they are hereby appointed commissioners to locate the seat of justice of Woodford county in addition to those already appointed by an act to which this is a supplement. The said Levi A. Hannaford and John H. Bryant shall act in conjunction with the three commissioners heretofore appointed, and the five shall proceed to locate said county seat according to the provisions of the act to which this is supplemental. Com'rs to locate co. seat of Woodford county

APPROVED, March 6th, 1843.

AN ACT to authorize the county commissioners of Lee county to lease certain rooms. In force, Feb. 20, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of the county of Lee are hereby authorized to lease such vacant room or rooms as offices as may be in the court house of said county, and not occupied as and furnished for the several court officers as required by law for any time, not exceeding one year, and for such rents as they may think proper, and the funds arising from such renting shall be paid into the county treasury of said county and become a part of the general funds of said county. Lee county authorised to lease rooms in court house Application of funds

SEC. 2. The county commissioners of said county shall have the care and custody of the court house in said county; any law to the contrary notwithstanding. Care of court house given to co. court

APPROVED, February 20th, 1843.

In force,
Feb. 24, 1843.

AN ACT to authorize county commissioners to lease certain rooms.

Co. com'rs
may lease
rooms in the
court houses
in the several
counties

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts of any county in this State are hereby authorized to lease such vacant room or rooms as offices as may be in the court house of said counties and not occupied by and furnished for the sheriff, clerk of the circuit court, clerk of the county commissioners' court, and probate justice of the peace of said counties, for any term not exceeding one year, and for such rent or rents as they may think right and proper.

To have cus-
tody of the
court houses
in their res-
pective coun-
ties

SEC. 2. The county commissioners of said counties shall have the care and custody of said court houses; any law or usage to the contrary notwithstanding.

APPROVED, February 21st, 1843.

In force,
Mar. 1, 1843.

AN ACT fixing the times of holding circuit courts in the seventh judicial circuit.

Times of hol-
ding circuit
courts in sev-
enth circuit

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times of holding circuit courts in the seventh judicial circuit each year, shall be as follows: in the county of Cook on the fourth Monday of March, in the county of Lake on the third Monday of April, in the county of McHenry on the fourth Monday of April, in the county of Du Page on the first Monday of May, in the county of Grundy on the second Monday of May, in the county of Will on the third Monday of May, in the county of Iroquois on the first Monday after the fourth Monday in May, in the county of Cook on the third Monday in August, in the county of Lake on the second Monday of September, in the county of McHenry on the third Monday of September, in the county of Du Page on the fourth Monday of September, in the county of Grundy on the first Monday after the fourth Monday of September, in the county of Will on the second Monday after the fourth Monday in September, in the county of Iroquois on the fourth Monday after the fourth Monday in September, and in the county of Cook on the first Monday of November.

Business con-
tinued over

SEC. 2. All writs, process, and recognizances which have been or may be issued, or entered into, and made returnable to the several circuit courts as heretofore arranged or fixed, or as at present fixed, or to any special term thereof, and suits, continuances therein, which are now pending, or undisposed of shall be taken and considered to be returnable to the terms fixed by this act, and shall be as valid to all intents and purposes as though made returnable thereto.

This act to
take effect on
1st Mar. 1843

SEC. 3. This act shall take effect on the first day of March, one thousand eight hundred and forty-three.

APPROVED, February 6th, 1843.

AN ACT to fix the time of holding circuit courts in the first judicial circuit.

In force,
Feb. 14, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That circuit courts shall be commenced and held in the several counties composing the first judicial circuit as follows, viz: in the county of Morgan on the second Monday of March, the third Monday of June, and fourth Monday of October, in the county of Greene on the first Monday of April, the second Monday of August, and the third Monday [of] October in the county of Pike on the second Monday of April and the first Monday of September, in the county of Calhoun on the Thursdays before the fourth Mondays of April and the third Mondays of September; in the county of Jersey on the fourth Monday of April and the third Monday of September, in the county of Macoupin on the first Monday of May and the fourth Monday of September, in the county of Scott on the third Monday of May and the second Monday of October, in the county of Cass on the second Monday of May and the first Monday of October.

Time of holding courts in first circuit

SEC. 2. All writs, recognizances, subpoenas and process which may have been issued and made returnable to the terms of courts in said circuit, as heretofore required to be holden, shall be deemed and taken to be returnable to said courts hereby changed as required to be held under this act; and all process and proceedings pending in any of said courts shall be taken up and disposed of according to law as if no alteration had been made in the terms [times] of holding said courts. This act to take effect and be in force from and after its passage.

Change of terms not to effect proceedings

Act when to take effect

APPROVED, February 14th, 1843.

AN ACT changing the time of holding circuit courts in the ninth judicial circuit of the State of Illinois.

In force,
Feb. 20, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John M. Robinson, Judge Robinson one of the associate justices of the Supreme Court, shall perform circuit duties in the ninth judicial circuit of the State of Illinois, and that the time of holding courts in said circuit shall be as follows: in the county of Marshall on the third Monday in March, in the county of Putnam on the Monday thereafter, in the county of La Salle on Friday thereafter, in the county of Kendall on the third Monday thereafter, in the county of Kane on Monday thereafter, in the county of De Kalb on Monday thereafter, in the county of Ogle on Monday thereafter, in the county of Bureau on Monday thereafter, in the county of Stark on Monday thereafter, in the county of Peoria on Monday thereafter, in the county of Kendall on the fourth Monday in August; in the county of Kane on Monday thereafter, in the county of De Kalb on the sec-

person assigned to hold courts in ninth circuit

Times of holding courts

and Monday thereafter, in the county of Ogle on Monday thereafter, in the county of Bureau on Monday thereafter, in the county of Stark on Monday thereafter, in the county of Peoria on Monday thereafter, in the county of Marshall on the second Monday thereafter, in the county of Putnam on Monday thereafter, in the county of La Salle on Friday thereafter, in each and every year.

Process, business &c. pending in courts continued to times fixed by this act

SEC. 2. All indictments, informations, recognizances, suits, motions, writs, process, and proceedings of every description, civil, criminal, and in chancery, which have been, or shall be commenced, returnable to, or pending in any of the circuit courts in the said judicial circuit, shall be continued over, returnable to, and made pending in the said circuit courts respectively, at the time or times established for holding each of the said circuit courts by the terms of this act, until after the statutes passed at this session of the General Assembly shall have been printed and circulated in the respective counties in said circuit.

Ten copies of this act to be sent to each clerk

SEC. 3. The Secretary of State shall forthwith, on the passage of this bill, transmit to each of the clerks of the circuit court in the ninth judicial circuit ten copies of this act, which for that purpose are hereby ordered to be printed.

Grand jury of La Salle to be summoned to first Monday of term

SEC. 4. No grand or traverse jury shall be summoned to attend the courts in La Salle county until the first Monday of each term of the said courts.

APPROVED, February 20th, 1843.

In force, Feb. 21, 1843. AN ACT to change the time of holding courts in the second judicial circuit, and to include the county of Perry in the said second judicial circuit.

Perry co. attached to second circuit

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the county of Perry shall be added to the second judicial circuit; and the terms of the circuit court of said county shall be held at the times hereinafter specified.

Time of holding courts in second circuit

SEC. 2. That hereafter the terms of the circuit [courts] in the second judicial circuit shall commence at the times hereinafter specified, and continued from day to day (Sundays excepted,) until all the business be disposed of, unless it shall be necessary to close the term to enable the judge to attend in the next county to hold court: in the county of Montgomery on the second Mondays of March and August, in the county of Effingham on the Fridays after the second Mondays of March and August, in the county of Fayette on the third Mondays of March and August, in the county of Bond on the fourth Mondays of March and August, in the county of Clinton on the first Mondays of April and September, in the county of Washington on the second Mondays of April and September, in the county of Perry on the third Mondays of April and Sep-

tember, in the county of Randolph on the fourth Mondays of April and September, in the county of Monroe on the first Mondays of May and October, in the county of St. Clair on the second Mondays of May and October, in the county of Madison on the fourth Mondays of May and October.

SEC. 3. All writs, subpoenas, and other process which may be issued and made returnable to the terms of courts in said circuit, and to the term of the court in said Perry county, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of courts, as required to be held under this act; and all notices which may have been given either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts as required to be held under this act; and all proceedings pending in any of said courts shall be taken up and disposed of according to law, as if no alteration had been made in the times of holding said courts.

Process made returnable to terms fixed by this act

Business continued over

SEC. 4. That the Secretary of State be directed to have this law printed with all possible despatch, and send a reasonable number of such printed copies to each clerk of the circuit court and county commissioners' court, in the counties of said second judicial circuit, for distribution. This act to take effect from and after its passage.

Sec. of State to have this act printed & distributed

APPROVED, February 21st, 1843.

AN ACT to change the times of holding courts in the third judicial circuit. In force, Feb. 25, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts in the third judicial circuit shall be held at the times hereinafter mentioned, to wit: in the county of Marion on the second Monday of March and the second Monday of August, in the county of Jefferson on the third Monday of March and the third Monday of August, in the county of Hamilton on the fourth Monday of March and the fourth Monday of August, in the county of Franklin on the Mondays following, in the county of Williamson on the Mondays following, in the county of Jackson on the Mondays following, in the county of Union on the Mondays following, in the county of Alexander on the Mondays following, in the county of Johnson on the Mondays following, in the county of Massac on the Mondays following, in the county of Pope on the Thursdays following, in the county of Hardin on the Thursdays following, in the county of Gallatin, on the Mondays following.

Time of holding courts in third circuit

SEC. 2. All indictments, informations, recognizances, suits, motions, writs process, and proceedings of every description, civil, criminal, and in chancery, which have been or shall be commenced, returnable to, or pending in any of the circuit courts in the said judicial circuit, shall be continued over, returnable

Change not to affect suits pending in said court

to, and made pending in the said circuit courts respectively, at the time or times established for holding each of the said circuit courts by the times, until after the statutes passed at this session of the General Assembly shall have been printed and circulated in the respective counties in said circuit.

Copies to be printed and distributed in each co. in the circuit

SEC. 3. The Secretary of State shall forthwith, on the passage of this act, transmit to each of the clerks of the circuit court in the third judicial circuit, ten copies of this act, which for that purpose are hereby ordered to be printed.

SEC. 4. All acts and parts of acts conflicting with the provisions of this act, in relation to the times of holding circuit courts in the third judicial circuit, are hereby repealed.

APPROVED, February 25th, 1843.

In force, Feb. 28, 1843.

AN ACT fixing the times of holding the courts in the eighth judicial circuit.

Time of holding courts in eighth circuit

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts of the several counties composing the eighth judicial circuit shall hereafter be holden at the county seats of said counties at the times following, to wit: in the county of Sangamon on the third Mondays in March, the fourth Mondays in July, and the second Mondays in November; in the county of Tazewell on the Wednesdays before the second Mondays in April and September, in the county of Woodford on the Thursdays succeeding the second Mondays in April and September, in the county of McLean on the third Mondays in April and September, in the county of Livingston on the fourth Mondays in April and September, in the county of De Witt on the Thursdays following, in the county of Champaign on the Mondays following, in the county of Piatt on the Thursdays following, in the county of Macon on the Mondays following, in the county of Moultrie on the Thursdays thereafter, in the county of Shelby on the Mondays following, in the county of Christian on the fourth Mondays in May and October, in the county of Logan on the Thursdays thereafter, in the county of Menard on the first Mondays in June and November, in the county of Mason on the Thursdays thereafter.

No grand jury for July term of Sangamon co.

SEC. 2. No grand jury shall be summoned to attend the July term of the circuit court of Sangamon county, nor shall any criminal cases be docketed for trial at that term; *Provided*, that if any person, shall be confined in the jail of said county, at the time of holding said term, the court shall have power to try such person if an indictment has been found, or, if no indictment has been found, the court may direct a grand jury to be summoned to inquire into the case of such person confined in jail, and if an indictment is presented, the court may proceed to hear and determine the case.

SEC. 3. All process which may have been issued out of any of said courts since the last term of the same, or which may hereafter be issued, previous to this act being received by the clerks of the said courts respectively, shall be deemed and taken as returnable to the terms required to be holden by the this act; and all proceedings, both civil and criminal, now pending shall be disposed of according to law, in the same manner as if no alteration had been made in the times of holding the said courts. Not to affect proceedings that have been or may be commenced

SEC. 4. This act shall, upon its passage, be published in the paper of the public printer, and the Secretary of State shall immediately thereafter transmit a copy thereof to each of the clerks of the said courts. Copies of this act to be forwarded to the clerks

APPROVED, February 28th, 1843.

AN ACT to regulate the time of holding circuit courts in the fourth judicial circuit. In force, Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit courts of the fourth judicial circuit shall commence in the several counties at the times hereinafter specified, and shall continue from day to day, (Sundays excepted,) until all the business is disposed of, unless it shall be necessary to adjourn the court to enable the judge to attend in the next county to hold court. Courts in fourth circuit

SEC. 2. In the county of Wayne on the last Thursdays of March and August, in the county of White on the first Mondays of April and September, in the county of Edwards on the second Mondays of April and September, in the county of Wabash on the Thursdays thereafter, in the county of Lawrence on the Wednesdays thereafter, in the county of Crawford on the Wednesdays thereafter, in the county of Clark on the Mondays thereafter, in the county of Edgar on the Mondays thereafter, in the county of Vermilion on the Mondays thereafter, in the county of Coles on the Mondays thereafter, in the county of Jasper on the Mondays thereafter, in the county of Richland on the Thursdays thereafter, in the county of Clay on the Mondays thereafter. Time of holding same

SEC. 3. All indictments, recognizances and suits, either at common law or in chancery, shall stand for hearing at the times herein specified for holding court the same as though no change had taken place, and all writs and other process, civil or criminal, shall be and they are hereby made returnable the same as if there had been no change in the times of holding said courts; and all returns heretofore made, or that may hereafter be made, either according to this act or the one hereby repealed, shall be taken to be returnable to the terms of court as now fixed, and shall be legal and valid in all respects as if no change had taken place. Suits pending not affected by alteration

Provision in case new co. should be formed in said circuit

SEC. 4. If any new county shall hereafter be formed out of any portion of the territory now embraced within the fourth judicial circuit, said county or counties shall be attached to, and form a part of said circuit for judicial purposes, and the judge holding courts in the fourth circuit shall be and he is hereby authorized and required to appoint the times of holding the courts in the said county or counties, and may make such change in the other counties as may be necessary to enable him to do so, and that the judge shall give notice to the clerks of the respective counties of the time and place he shall appoint for holding under this act, which shall be published in the nearest newspaper for twenty days previous to the time of holding court.

APPROVED, March 1st, 1843.

In force, Mar. 3, 1843.

AN ACT in relation to the Supreme Court.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter there shall be but one term of the Supreme Court in each year, which shall commence on the second Monday of December, and continue in session until all the business before it shall be disposed of.

SEC. 2. The parties in any suit or proceeding at law, or in chancery, in any circuit court may make an agreed case containing the points of law at issue between them, and file the same in the said court, and the said agreed case may be certified to the Supreme Court by the clerk of such circuit court without certifying any fuller record in the case; and upon such agreed case being so certified and filed in the Supreme Court the appellant or plaintiff in error may assign errors, and the case shall then be proceeded in in the same manner as it might have been had a full record been certified to said Supreme Court.

SEC. 3. Any judge of a circuit court may, if the parties litigant assent thereto, certify any question or questions of law arising in any case tried before him to the Supreme Court, together with his decision thereon, or the parties in the suit may agree as to the questions or points of law arising in the case, and the same may be certified by the counsel or attorneys of the respective parties who shall sign their names thereto, and upon such certificate being made the same shall be filed in the circuit court and a copy of such certificate certified by the clerk of said circuit court to the Supreme Court and filed therein; and upon filing the same the like proceedings may be had in the Supreme Court as if a full and complete record had been transcribed and certified to said court.

SEC. 4. The second and third sections of this act shall not

apply to those suits in which the title to land or real estate comes in question.

SEC. 5. In all cases where an oath or affidavit is required to be taken in proceedings in attachment, the same may be taken or made before a justice of the peace, clerk of the circuit court of this State, or other person authorized by law to administer an oath. In cases of attachment oath may be administered by justice of the peace

SEC. 6. This act to take effect from its passage.

APPROVED, March 3d, 1843.

AN ACT to hold courts in the seventh judicial circuit.

In force,
Dec. 5, 1842.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the times of holding circuit courts in the seventh judicial circuit, shall be as follows, to wit: in the county of Cook on the first Monday of March, in the county of Will on the fourth Monday of March, in the county of Iroquois, on the second Monday of April, in the county of Grundy on the Friday next after the court is holden in Iroquois, in the county of Du Page on the third Monday of April, in the county of McHenry the next Monday thereafter, in the county of Lake the next Monday thereafter, in the county of Iroquois on the first Monday of September, in the county of Grundy on the Fridays next thereafter the first Monday of September, in the county of Will on the second Monday of September, in the county of Du Page on the fourth Monday of September, in the county of McHenry on the next Monday thereafter, in the county of Lake the next Monday thereafter, in the county of Cook the Monday next thereafter. Times of holding courts in seventh circuit
In the county of Cook there shall be a term on the first Monday of August, for the purpose of trying criminal and chancery business only; at which term no writs on the common law side of the docket shall be returnable. Criminal and chancery term in Cook If the judge of said seventh circuit shall be unable to hold the March term in 1841, he shall be required to hold a term immediately after the court is holden in Lake county, in the spring term, 1841.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, this fifth day of December, 1842.

LYMAN TRUMBULL, *Secretary of State.*

AN ACT to change the time of holding courts in the fifth judicial circuit.

In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the times

Courts in the fifth circuit of holding courts in the fifth judicial circuit shall be as follows, to wit: in the county of Fulton on the second Mondays of March and August, in the county of McDonough on the fourth Mondays of March and August, in the county of Schuyler on the first Mondays of April and September, in the county of Brown on the second Mondays of April and September, in the county of Adams on the third Mondays of April and September, in the county of Hancock on the third Mondays of May and October, in the county of Henderson on the first Mondays of June and November, in the county of Warren on the Thursdays succeeding the first Mondays in June and November, in the county of Knox on the third Mondays of June and November.

SEC. 2. All indictments, informations, recognizances, suits, motions, writs, process, and proceedings, civil, criminal, and in chancery, which have been or shall be commenced, returnable to or pending at any of the terms of court as heretofore required to be held in the said judicial circuit, shall be continued over and made pending at, in and to the terms of the courts as required to be held by this act respectively.

SEC. 3. This act shall take effect and be in force from and after its passage.

SEC. 4. The courts [county] of Marquette is attached to the fifth judicial circuit, and courts shall be held therein, at such times as the judge presiding therein shall designate.

APPROVED, March 4th, 1843.

In force, Dec. 20, 1842. AN ACT providing for a special election of senator in the district composed of Will, Du Page, and Iroquois counties.

Special election to be held SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a special election shall be held on the first Monday of January, in the year of our Lord, one thousand eight hundred and forty-three, for the election of one senator in the district composed of the counties of Will, Du Page and Iroquois, to fill the vacancy occasioned by the resignation of the honorable John Pearson.

Notice to be given SEC. 2. Three days previous notice shall be given of said election, by the sheriffs of the counties above named, by posting up written or printed notices of the same in each precinct of their respective counties.

Returns to be made to cl'ks com'rs courts SEC. 3. The clerks and judges of said election shall cause returns of the same to be forwarded to the clerks of the county commissioners' courts of their respective counties on the next day after said election, on the evening of which day the said clerks shall call to their assistance two justices of the peace and make abstracts of said election, and on the third day after the said first Monday of January the clerks of the county commissioners' courts of the counties of Will, Du Page, and Iroquois shall meet at the clerk's office of the county

Abstracts to be made

commissioners' court of Will county, and on comparing their respective abstracts immediately make out and deliver to the person elected a certificate of election, signed by said clerks, or such of them as may attend for that purpose. Certificate of election

SEC. 4. In all other respects the said election shall be conducted according to the general election law.

APPROVED, December 20th, 1842.

AN ACT to regulate elections for senator and representative of Richland and Clay counties. In force, Feb. 8, 1843.

WHEREAS, that part of Richland county that formerly belonged to Clay county, together with Clay county, forms a representative and part of a senatorial district; therefore, Preamble

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory set off from Clay county shall hold their election at their several election precincts for said senator and representative as though it had not been set off from Clay county, and it shall be the duty of the judges of election in said precincts to deliver the poll books for said senator and representative, within three days after said election to the clerk of Richland county, who shall, within three days thereafter, canvass in the usual manner the votes received in said precincts for senator and representative, and deliver an abstract thereof to the clerk of said Clay county until otherwise provided. This act to be in force from and after its passage. That part of Richland co. taken from Clay to vote as heretofore
Duty of clerk of Richland county

APPROVED, February 8th, 1843.

AN ACT to regulate the mode of holding elections in Kendall county. In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Grundy county and that portion of Kendall county formerly attached to La Salle may hereafter vote with La Salle county, for one senator and three representatives, one of which representatives may be chosen from either the county of Grundy or that portion of Kendall county aforesaid. The commissioners of Kendall county shall lay off the election precincts in said county so as not to include in any one precinct portions of territory formerly belonging to Kane and La Salle counties. Grundy and part of Kendall to vote with La Salle county for senator

SEC. 2. At all future elections for senator or representative the clerks of the county commissioners' courts of the counties of La Salle, Grundy and Kendall shall meet at Ottawa, in the county of La Salle, to compare the returns of election for senator and representatives in said counties. Poll books to be compared at Ottawa

APPROVED, March 4th, 1843.

In force,
Mar. 4, 1843.

AN ACT relative to the estate of E. Mlodzianowski, deceased.

Preamble

WHEREAS, Edward Mlodzianowoski, a Polish exile, died intestate at Jacksonville, in the county of Morgan, on the 8th day of October, A. D., 1842, leaving no heirs or legal representatives in the said State, or the United States; and whereas, at the time of his death he was seized of a certain tract of unimproved land in said county, known and designated as the west half of the north-west quarter of section fourteen, in township sixteen north, and range thirteen, west of the third principal meridian; and was also possessed of certain moneys, notes, and articles of personal property which have not been administered upon; and whereas, it is represented that deceased had never, in his exile, been able to communicate with his native land, and had for years abandoned all hope of receiving any tidings from relatives or kindred in Poland—that Napoleon Koscialowski, of the said county of Morgan, was his companion in exile and intimate friend, and that the death of the said Mlodzianowski was sudden, and the character of his last illness such as to deprive him as well of consciousness as of ability to make known his last wishes in regard to the disposal of his property, which there is reason to believe he would otherwise have bequeathed to, or in trust for said Koscialowski and his children; therefore,

Trustee of
the estate of
E. Mlodzian-
owski ap-
pointed

His powers
and duties
defined

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular the right of the State of Illinois in and to the said tract of unimproved land, and in and to the said moneys, notes and articles of personal property, be and the same is hereby vested in Dennis Rockwell, of said county of Morgan, in trust, and with powers, first, to collect, receive, and have all dues, claims, and demands of the said Edward Mlodzianowoski, deceased, at the time of his decease, and for that purpose, to prosecute suits in his own proper name for said dues, claims, and demands, against any person or persons, in any court of proper jurisdiction; secondly, to sell, and upon the best possible terms, dispose of all and singular, the real and personal property of the said deceased, and convert the same into money, with power also, to the said Rockwell as trustee in the premises, upon sale of the said real estate, to convey the same by deed to the purchaser or purchasers; thirdly, to erect a suitable monument to the memory of the deceased at the place of his interment, out of the moneys aforesaid, the cost of said monument not to exceed the sum of three hundred dollars; fourthly, that the residue of the said estate, when converted into money, after deducting the cost of said monument, and the necessary expenses of executing the trusts herein contained, be invested by said trustee in improved farming lands in this State; which said lands shall be held by the said Dennis Rockwell upon the trusts following; that is to say, first, for the heirs at law of the said Edward Mlodzianowski, deceased, should any such appear, and law-

fully claim within ten years from the date of his decease aforesaid, in which event the said trustee shall convey the absolute title to said premises to the said heir or heirs; *Provided, nevertheless*, that from and after the purchase and investment aforesaid, the said Napoleon Koscialowski shall and may be permitted to have and enjoy the free use, benefit, and occupation of said premises without rent or charge, until the same shall have been duly claimed by and conveyed to the proper heir or heirs (if any) of said Edward Mlodzianowski; secondly, if no such lawful heir or heirs rightfully claim said premises ten years from the decease of the said Edward Mlodzianowski, then upon trust for the use, benefit, and behoof of the said Napoleon Koscialowski, for and during the term of his natural life; and lastly, at the death of said Koscialowski, upon trust, to convey the said lands and premises with the appurtenances, to his heirs, to have and to hold to them, their heirs and assigns for ever.

SEC. 2. The said Dennis Rockwell, upon accepting the trust hereby created, shall file his bond with sufficient security to be approved of by the probate justice of the peace of Morgan county, in the penalty of _____ dollars, payable to the people of the State of Illinois, for the use of the heirs of Edward Mlodzianowski, deceased, conditioned that he will well and truly perform the trust hereby created. Trustee to give bond

SEC. 3. The said Dennis Rockwell shall, upon his acceptance of said trust, and within one month thereafter, report to the court of probate of Morgan county, all and singular, the estate, property, and effects, and choses in action, which may come to his hands as trustee as aforesaid, and upon sale being made of all said estate, real and personal, he shall further report his proceedings in the premises, with the terms of sale and the amount realized therefrom, and when all of said property shall have been converted into money, he shall further report the amount thereof, with the cost of the monument, and the necessary expenses of said trust, and vouchers, and upon the investment of the residue of said moneys into lands, the said Dennis Rockwell shall file with said court a copy of all the title papers relating thereto, with a statement of the mode and manner of investment. To report to court of probate of Morgan co.

APPROVED, March 4th, 1843.

AN ACT supplemental to "an act concerning estrays," in force February 9th, 1835. In force. Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois,* Estrays not to be used
represented in the General Assembly, That it shall not be lawful for any person or persons to use any stray horse, mare, mule, or ass, unless the same shall have been first advertised as required by the provisions of this act.

Estrays taken
up to be ap-
praised

Proviso

SEC. 2. That hereafter it shall be the duty of any person taking up any estray animal or lost goods, within five days after the same is so taken up, to post up written notices describing the property in three of the most public places in the neighborhood where the taker up resides, for at least twenty days before having the same appraised, according to the provisions of the act to which this is an amendment. So much of the act to which this is an amendment as makes it the duty of the taker up to have the property appraised within ten days is hereby repealed; *Provided, always*, that when any property so taken up, or found, as the case may be, and shall be proven away before the expiration of twenty days, then and in that case the claimant of such property shall pay to the taker up, or finder, as the case may be, all reasonable charges for taking up and keeping the same. This act to be in force from and after its passage.

APPROVED, March 4th, 1843.

In force,
Mar. 6, 1843.

AN ACT to amend "an act concerning estrays," approved February 9th, 1835.

Concerning
estrays

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That hereafter it shall be the duty of the taker up of any estray horse, mare, colt, mule, or ass, or other estray animal, previous to having the same appraised, to give not less than ten nor more than fifteen days notice, by posting up written or printed advertisements, if a horse, mare, colt, mule, or ass, in three of the most public places in the justice's district in which the taker up shall reside, and for all other animals, by posting up such advertisements in three of the most public places in the neighborhood in which the taker up shall reside, particularly describing said estrays in the manner required by the act to which this is an amendment; and it shall be the duty of the taker up, previous to such appraisement, to prove the posting up of such advertisements agreeably to the provisions of this act, before the justice before whom such appraisement shall be made, by his own oath, or that of a credible witness.

APPROVED, March 6th, 1843.

In force,
Feb. 24, 1843.

AN ACT concerning evidence in certain cases.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That a copy of all papers, books or proceedings, or parts thereof, appertaining to transactions in their corporate capacity, of any town or city heretofore incorporated, or now incorporated, or that hereafter may be incorporated, under a general or special law of this

State, certified to be true copies by the clerk or the keeper of the same under the seal of said town or city, or under the private seal of said clerk or keeper if there be no public seal; the said clerk or keeper also certifying that he is entrusted with the safe keeping of the originals of which he gives certified copies, shall be received as prima facia evidence of the facts so certified in all the courts of this State in any suit or proceeding pending before them.

APPROVED, February 24th, 1843.

AN ACT to exempt certain articles from execution.

In force,
Mar. 4, 1843.

SEC. 2. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the wearing apparel of each and every person shall be exempt from levy or sale on execution, writ of attachment, or distress for rent.

SEC. 2. That the following property, when owned by any person being the head of a family and residing with the same, shall be exempt from levy and sale on any execution, writ of attachment, or distress for rent; and such articles of property shall continue so exempt while the family of such person, or any of them, are removing from one place of residence to another in this State, viz: first, necessary beds, bedsteads and bedding, the necessary utensils for cooking, necessary household furniture, not exceeding in value fifteen dollars, one pair of cards, two spinning wheels, one weaving loom and appendage, one stove and the necessary pipe therefor; *Provided*, the same shall be in use, or put up for ready use, in any house occupied by such family. Second, one milch cow and calf, two sheep for each member of the family, and the fleeces taken from the same, or the fleeces of two sheep for each member of a family which may have been purchased by any debtor not owning sheep, and the yarn and cloth that may be manufactured from the same, and sixty dollars worth of property, suited to his or her condition, or occupation in life, to be selected by the debtor. Third, necessary provisions and fuel for the use of the family for three months, and necessary food for the stock hereinbefore exempted from sale, or that may be held under the provisions of this act; *Provided*, that any person, being the head of a family and residing with it, who shall be taken before a probate justice of the peace on a ca. sa. and shall take the benefit of the insolvent laws of this State, shall be allowed the same amount of property exempt from the provisions of said act as is provided for by the provisions of this act; and it shall be the duty of said probate justice of the peace to set apart to such person the same amount and kind of property as is or may hereafter be exempt from execution.

SEC. 3. If any officer, by virtue of any execution or other

Penalty for taking such property in execution

process, or any other person, by any right of distress, shall take or seize any of the articles of property hereinbefore exempted from levy and sale, such officer or person shall be liable to the party injured for three times the value of the property illegally taken or seized, to be recovered by action of trespass, with costs of suit.

Justices jurisdiction in such cases

SEC. 4. For the purpose of recovering the damages provided for in the third section of this act, justices of the peace shall have jurisdiction to the amount of one hundred dollars.

Laws conflicting with this, and all others exempting property from execution repealed, Proviso

SEC. 5. All laws exempting property from execution, and all acts and parts of acts coming in conflict with the provisions of this act, be and the same are hereby repealed. This act to take effect from and after its passage; *Provided*, should any disagreement arise between any officer and defendant in execution, about and concerning the value of any species of property allowed by this act, it shall be the duty of said officer forthwith to summon two disinterested house holders, who, after being duly sworn by some justice of the peace, shall proceed to appraise such property as said defendant may select.

This act not to affect landlords liens for rent

SEC. 6. Nothing in this act shall be so construed as to prevent landlords from holding a lien on the crop growing or grown on land for rent due for the same.

APPROVED, March 4th, 1843.

In force, Mar. 4, 1843.

AN ACT relating to docket fees.

Laws in relation to docket fees amended

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all laws and parts of laws now in force in this State, authorising the collection of docket fees in suits, in which the title of land shall come in question, of five dollars, and in each suit where the title to land does not come in question, two dollars and fifty cents, and in each chancery suit five dollars; shall, from and after the passage of this act, be so changed, that no such docket fee shall be charged or collected in cases where final judgment or decree shall be for cost only, or where the case shall be decided without empanneling a jury, or where the suit did not first originate in the circuit court; *Provided*, that hereafter the docket fee in chancery proceedings shall be two dollars and fifty cents. and in civil cases, when the title to lands does not come in question, one dollar and twenty-five cents.

APPROVED, March 4th, 1843.

AN ACT to amend an "act to provide for the establishment of ferries, toll bridges, and turnpike roads," approved February twelfth, one thousand eight hundred and twenty-seven. In force, Feb. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the thirteenth section of an act entitled "an act to provide for the establishment of ferries, toll bridges, and turnpike roads," approved February twelfth, one thousand eight hundred and twenty-seven, as is repugnant to the provisions of this act, be and the same are hereby repealed. Repeal of so much of former act as is repugnant to this

SEC. 2. That all ferries that heretofore have been or hereafter may be established across the Great Wabash river opposite the town of Vincennes, in Lawrence county, which shall be abandoned, disused, unfrequented, or neglected by the proprietor or proprietors for the space of six weeks at any one time, shall be forfeited, according to a proceeding to be had under the provisions of the thirteenth section of the above recited act. Ferries opposite Vincennes may be forfeited

APPROVED, February 1st, 1843.

AN ACT to establish a ferry therein named.

In force,
Feb. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That C. J. and G. L. Gibson, their heirs and assigns, be and they are hereby authorised to establish and keep in operation for the term of fifteen years, a ferry across the Illinois river from the town of Wesley city, Tazewell county, to the opposite shore in Peoria county. Grant of ferry privilege
Location of ferry

SEC. 2. It shall be the duty of said Gibsons, their heirs or assigns, to keep on hand at all times good and sufficient boats, furnished with persons of suitable strength and skill to insure a safe and speedy passage at said ferry. Duty of proprietors

SEC. 3. It shall be lawful for the owners of said ferry, their heirs or assigns, to demand and receive the same rates of ferryage as are now allowed ferries like situated across the Illinois river nearest to said ferry. The county commissioners of the above named counties shall not, during the existence of this act, authorise the establishment of any new ferry within one mile of the ferry hereby authorised, unless the said Gibsons shall fail to comply with the provisions of this act. Rates of toll
Right to establish other ferries restricted

SEC. 4. The ferry hereby granted shall in all respects be governed by the laws regulating ferries, toll bridges, and turnpike roads, and may be altered, amended, or repealed by the Legislature, whenever the public good may require the same. This act to take effect from and after its passage. Regulations
Privileges may be repealed

APPROVED, February 3d, 1843.

In force,
Feb. 3, 1843.

AN ACT confirming certain ferry privileges to the county of Bureau.

Location

Co. of Bureau
may grant li-
cense

Law giving
Putnam co.
control of
said ferry re-
pealed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act, the right to ferry from the west to the east bank of the Illinois river, in township number fifteen north of the base line, range number ten, east of the fourth principal meridian, in the county of Bureau, be and the same is hereby vested solely and exclusively in the county of Bureau; and the county commissioners of the said county are hereby authorised to grant to any person or persons the right to ferry from the west to the east bank of said river, and receive pay for the same, and the said ferry is hereby declared to be under the supervision of the county commissioners of the county of Bureau, and may be regulated by them as they shall think proper; and so much of the act creating the county of Putnam, approved January fifteenth, one thousand eight hundred and thirty-one, as gives to the said county of Putnam the right to ferry from the west to the east bank of the Illinois river, is hereby repealed.

APPROVED, February 3d, 1843.

In force,
Feb. 10, 1843.

AN ACT to amend an act entitled "an act to establish a ferry across the Illinois river," approved February 23d, 1841.

Ferry tax re-
duced to \$100
per annum

Proviso to 4th
section re-
pealed
Double fer-
riage allowed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the 6th section of the act to which this is an amendment as requires the payment of two hundred dollars annually into the county treasury of Tazewell county, be and the same is hereby repealed, and that hereafter the sum of one hundred dollars is to be paid into the said treasury of Tazewell county as provided by said act.

SEC. 2. The proviso to the fourth section of the act to which this is an amendment is hereby repealed, and the proprietor of the ferry aforesaid shall in future be entitled to receive double ferriage whenever the river shall overflow either bank to the second bend in Farm creek.

SEC. 3. This act to be in force from and after its passage.
APPROVED, February 10th, 1843.

In force,
Feb. 23, 1843.

AN ACT to enable Smith Turner, of Mason county, to establish a ferry across the Sangamon river.

Ferry across
Sangamon
river

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Smith Turner be and he is hereby authorized to establish and keep a ferry for fifteen years across the Sangamon river, at a place called

"Myers' ford," where the road from Jacksonville to Havana crosses said river.

SEC. 2. Said Turner shall cause said ferry to be furnished ^{How kept} with a good tight boat sufficient for the speedy and safe transportation of all passengers, their teams, horses, cattle, and other animals, as well as their goods and effects, and said boat shall be furnished with men of suitable strength and skill to manage the same.

SEC. 3. Said Turner shall have the right to land his boat ^{Where to land} two miles above or below where said road crosses said river.

SEC. 4. Said Turner shall receive such rates for crossing ^{Rates of ferriage to be established by co. court of Mason co.} at said ferry as may be allowed him by the county commissioners' court of Mason county. Said Turner shall pay a tax or ferry license such as the county commissioners' court may require him to pay; and in the management of said ferry said Turner shall be governed by the requisitions of the act entitled "an act to provide for the establishment of ferries, toll bridges, and turnpike roads," approved February 12th, 1827.

APPROVED, February 23d, 1843.

AN ACT authorising Charles G. Eldridge to keep a ferry across the Mississippi river.

In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois,* ^{Charles G. Eldridge authorized to keep a ferry across the Mississippi river} That Charles G. Eldridge, his heirs and assigns, be and they are hereby authorised to keep a ferry across the Mississippi river, between Savanna, in Carroll county, and Charleston, in the county of Jackson, in the Territory of Iowa, for and during the term of ten years, from the passage of this act.

SEC. 2. The said Eldridge shall cause said ferry to be furnished ^{How conducted} with a good and tight boat, worked by steam or horse power, and sufficient for the safe and speedy transportation of all passengers, their horses, cattle, and other animals, as well as their goods and effects, and said boat shall be furnished with person or persons of suitable strength and skill to manage the same, and shall be allowed two years from the passage of this act to build and finish the said boat; *Provided*, that during the term of said two years the said Eldridge shall furnish substantial flat boats and other water crafts sufficient for the purposes of ferrying as aforesaid.

SEC. 3. The rates of ferriage for crossing said ferry shall ^{Rates of ferriage} be fixed by the county commissioners' court of Carroll county.

SEC. 4. The said Charles G. Eldridge, in the management ^{Proprietor subject to the general ferry laws} of said ferry, shall be governed by the provisions on an act entitled "an act to provide for the establishment of ferries, toll bridges, and turnpike roads," approved February 12th, 1827.

APPROVED, February 23d, 1843.

In force, AN ACT to authorize S. Copeland to establish a ferry across the Ohio river,
Feb. 28, 1843. in Massac county.

Sam'l Cope-
land autho-
rized to estab-
lish a ferry
across the
Ohio river

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel Copeland be and he is hereby authorized to have and keep a ferry across the Ohio river, from and on section twenty-three, in township number fifteen south, of range three, east of the third principal meridian, and he is hereby authorized and empowered to charge and receive such fees as the county commissioners' court of Massac county shall from time to time fix and determine, and shall pay a tax to the said county, to be fixed by said court.

APPROVED, February 28th, 1843.

In force, AN ACT to authorize John M. Robinson, and others, to establish a ferry
Mar. 2, 1843. and for other purposes.

Ferry across
the Ohio river
at Massac

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John M. Robinson, and his associate, proprietors of the tract of land on which the town of Massac is situated in the county of Massac, and their heirs and assigns forever, are hereby authorized to establish a public ferry across the Ohio river at the said town of Massac, the point of landing to be fixed on by said proprietors.

Regulation
thereof

SEC. 2. When said ferry shall be so established and put in operation it shall be regulated and governed by the same laws that regulate and govern other ferries on the Ohio river of the same kind; and the said ferry shall be allowed to take the same rates of ferriage as is allowed at the ferry at Metropolis.

Com'rs to lo-
cate a road
from said fer-
ry appointed

SEC. 3. John Hinds, Henry Toulson, and John W. McKee be and they are hereby appointed commissioners to view, mark and locate a State road from said ferry landing, by the nearest and best route, so as to intersect the Wilcox road within three miles of said town of Massac. The said commissioners, or a majority of them, as soon as they shall be in possession of this law, shall proceed to perform the duties required of them by this act, and report the same to the county commissioners' court of the county, who shall cause said road to be opened and kept in repair as other State roads now are, and the said county commissioners shall allow to the said road commissioners a reasonable compensation for their services.

Road to be
opened

Reservation

SEC. 4. The Legislature hereby reserves to itself the right to repeal this act when the public good may require it. This act to take effect and be in force from and after its passage.

APPROVED, March 2d, 1843.

AN ACT to enable Henry W. Wiggington to establish a ferry on the Illinois river. In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry W. Wiggington, of the county of Mason, be and he is hereby authorised to establish a ferry across the Illinois river, at the town of Matanzas, in Mason county.

SEC. 2. He shall at all times keep on hand a sufficient number of good and substantial ferry boats and other crafts, so as to afford to all those who may wish a safe and speedy passage, with their stock and otherwise, with a sufficient number of hands to effect the same. Duty of the owner of the ferry

SEC. 3. The county commissioners of Mason county shall have power to fix and establish such rates of ferriage as they may think right and just, and shall also have power to levy and collect, from time to time, such an amount of taxes on said ferry, as they may think fair and equitable. Said ferry is at all times subject to be governed and regulated by the laws of this State as other ferries are. Rates of toll how fixed

SEC. 4. Should the said Wiggington fail or refuse to comply with the provisions of this act within any reasonable time, he shall forfeit his right to the privileges herein granted. Failure to comply, a forfeiture of the privileges

APPROVED, March 3d, 1843.

AN ACT to abolish the office of Fund Commissioner, and for other purposes therein named. In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of an act, approved February the first, one thousand eight hundred and forty, as creates the office of Fund Commissioner, be and the same is hereby repealed; *Provided, however,* the repeal of so much of the act as herein referred to, as requires the election of one Fund Commissioner at each regular session of the General Assembly, shall in no wise impair any responsibility for acts heretofore done and performed by the present Fund Commissioner, or release him from any legal obligation to the State for his performances in said office; *And provided further,* that the duties heretofore devolving on the office of Fund Commissioner shall hereafter be performed by the Governor, who shall be capable of suing and being sued, and of settling all debts and unliquidated accounts, the same as the present Fund Commissioner could do, and who is hereby constituted the successor of said Fund Commissioner as fully as if he had been elected his successor by joint ballot of the General Assembly. Office of Fund Com'r abolished
Proviso
Fund Com'r not released from liabilities
Gov. to be Fund Com'r

SEC. 2. That the Fund Commissioner of this State is hereby required to pay over to the Treasurer of the State forthwith, all the moneys he may have received and now holds in his pos- Fund Com'r to pay all moneys to Treasurer

session as Fund Commissioner of the State of Illinois, and the Treasurer shall receipt for the same.

APPROVED, March 4th, 1843.

In force,
Mar. 4, 1843.

AN ACT for the settlement of the accounts of James W. Barret.

James W. Barret to pay certain money into the State treasury

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James W. Barret, late agent of Fund Commissioner of the State of Illinois, shall pay over to the Treasurer the sum of thirteen thousand eight hundred and fifty dollars in State scrip, and the sum of four thousand two hundred and eighty-seven dollars in State Bank paper, and thereupon the Treasurer shall execute to said James W. Barret a receipt in full of his account as such agent.

APPROVED, March 4th, 1843.

In force,
Mar. 4, 1843.

AN ACT entitled an act appointing the Governor ex-officio Fund Commissioner of the State of Illinois.

Fund Com'r to pay certain money in the treasury

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John D. Whiteside, late Fund Commissioner, shall within two days from and after the passage of this act, pay over to the Treasurer of this State all such sum or sums of bank paper or money as he holds in his possession, and take a receipt for the same, which the Treasurer shall execute for the amount received by him, and the kind of bank paper and money so received.

Gov. constituted ex-officio Fund Com'r

SEC. 2. That the Governor of this State shall hereafter be Fund Commissioner of the State ex-officio, and shall in all respects do and perform all acts which the Fund Commissioner can lawfully do; may, as such, sue and be sued, and all suits now commenced for or against the Fund Commissioner shall survive to the Governor, ex-officio Fund Commissioner, and may sue and be sued in the name of Fund Commissioner of the State of Illinois.

Gov. may settle claims against the State

SEC. 3. The Governor shall have full power and authority to settle and compound, compromise, or arbitrate all suits, debts, or contracts for or against the State, and shall communicate to the next General Assembly.

APPROVED, March 4th, 1843.

In force,
Feb. 21, 1843.

AN ACT applying the bonus of Bond county to the school fund of said county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the bonus granted

to the county of Bond, under the general internal improvement law, passed February twenty-seventh, one thousand eight hundred and thirty-seven, and the act supplemental to an amendatory thereof, be added to and form a school fund for said county. Bonus granted to Bond co. added to school fund

SEC. 2. It shall be the duty of the county commissioners' court of Bond county, within sixty days from and after the passage of this act, to pay over all of said bonus to the school commissioner of said county. Co. com'rs to pay same to school com'r

SEC. 3. The school commissioner is authorised to receive good solvent notes, well secured, from the said county commissioners of Bond county, in payment of said bonus. Said bonus may be paid in notes

SEC. 4. The commissioners of Bond county shall, previous to the paying of said notes or money to said school commissioner, if necessary, demand additional security of said commissioner; said bonus when so paid, shall be and remain a permanent school fund, be loaned out as other school moneys, and the interest thereon paid out in the same manner as other school moneys are from the State. This act to take effect from and after its passage. Com'r to give additional security if required

APPROVED, February 21st, 1843.

AN ACT provide for the distribution of the interest upon the school, college, and seminary fund to new counties. In force, Feb. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where a new county has been created since the taking of the census in one thousand eight hundred and forty, and in all cases where a new county may hereafter be created, it shall be the duty of the clerk of the county commissioners' court of such new county, and of each county from which any part of said new county was taken, to certify to the Auditor of Public Accounts, within one month after each annual election, the whole number of votes which shall have been polled in his county for county commissioner at such election. Clerks of co. com'rs courts of new counties to certify to Auditor the number of votes given for co. com'rs

SEC. 2. The Auditor of Public Accounts, at the next annual distribution of the interest upon the school, college and seminary fund, after such returns have been received, shall proceed as now required by law to apportion such interest among all the counties which were in existence at the time the census was taken, and for which a census was returned, but in all cases where a county has been, or shall hereafter be divided since the census was last taken, the Auditor shall not pay over to such divided county the portion of the interest upon the school, college and seminary fund set apart for such divided county according to the census, but shall sub-divide the same between such divided county and the new county formed out of a part thereof, equally, in proportion to the number of votes given by each of said counties for county commissioner at Int. on school fund how distributed

the preceding election, and shall pay over to the school commissioners of each of said counties the portions belonging to said counties respectively, as in other cases.

When new counties are formed out of two or more counties

SEC. 3. Where a new county has been, since the taking of the census in one thousand eight hundred and forty, or shall hereafter be formed out of parts of two or more counties, the Auditor shall set apart the interest upon the school, college, and seminary fund, allotted according to the census, to the counties out of parts of which the new county was formed, and shall throw the portions so allotted to the counties out of which the new county was formed into an aggregate fund and proceed to apportion the same equally between the new county and all of the counties from which any part of such new county was taken according to the whole number of votes given by such counties respectively for county commissioner at the last preceding election, and shall pay over the portions set apart to said counties to their respective school commissioners as in other cases.

Proceedings in case new counties are formed between the August election and 1st January, 1844

SEC. 4. If any new county shall be organized and elections held therein, between the annual August election and the first day of January next ensuing, it shall be the duty of the county commissioners' clerk of such county, within one month after such election shall be held, to certify to the Auditor of Public Accounts the whole number of votes given in said county at such election for county commissioners, and the clerks of the county commissioners' courts of the counties out of parts of which such new county was formed, shall in like manner certify to the Auditor the whole number of votes given in their counties respectively for county commissioner at the preceding election, and the number of votes so certified by the clerks of the county commissioners' courts to the Auditor shall by him be made the basis of the distribution of the school, college, and seminary fund between such counties, as hereinbefore provided.

Duty of the Auditor

SEC. 5. It shall be the duty of the Auditor of Public Accounts to procure from the office of the Secretary of State the whole number of votes which were given at the last August election for representatives to the General Assembly, by any new county which has been created since the census was taken in one thousand eight hundred and forty, and by the county or counties out of which such new county was formed, and in making the distribution of the interest upon the school, college, and seminary fund which fell due on the first day of January, one thousand eight hundred and forty-three, the Auditor shall distribute to the new county and the counties out of which it was formed, as is hereinbefore provided, according to the number of votes which such counties have respectively given for Representatives as aforesaid.

APPROVED, February 28th, 1843.

AN ACT for the better security of State, county, and township funds.

In force,
Feb. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the county treasurers of the several counties in this State, shall each of them keep a book, in which they shall keep a regular, just, and true account of all moneys and revenues received by them respectively, stating therein particularly in what kind of funds each particular sum was received, whether in gold, silver, county orders, or any other funds authorised to be received as revenue by the laws of this State. They shall also keep a regular, just, and true account of the time when, of whom, and on what account, each particular sum in money, or other funds, may have been received by them.

Co. treasurers to keep a book in which they shall keep an account of all moneys received by them

And time of receiving same

SEC. 2. They shall also keep a regular, just, and true account of all moneys and funds paid out by them agreeably to law, stating therein particularly on what account each particular sum was paid out, to whom paid, the particular kind of money or funds paid out to each individual, and the time when such payment was made. The books and accounts aforesaid to be free for the inspection of any individual who may wish to examine the same.

Also particular account of all moneys paid out

SEC. 3. That no money, county orders, or other funds, shall hereafter be paid out of any county treasury in this State, except in accordance with an order or decree of the county commissioners' courts respectively, or by a virtue of a law specifically directing such payment to be made.

No money to be paid out of co. treasury except on an order from co. com'rs

SEC. 4. It shall be the duty of the treasurer of each and every county to report to the county commissioners' court of their respective counties, at the regular terms of said courts, the amount of money, county orders, or other public funds, in their possession; also, the amount of money, county orders, and other public funds received by them since their last report. They shall also state in said report, the amount they may have received from each and every source of revenue, by whom, on what account, in what kind of funds, and at what time the same may have been paid into the treasury. The said treasurer shall also report to the county commissioners' courts of their respective counties, at the regular terms of said courts, a regular, just, and true account of all payments out of the treasury, stating particularly at what time, on what account, in what kinds of funds, and to whom each particular sum was paid out.

Treasurer to report to co. com'rs court at its regular meetings

SEC. 5. The clerks of the county commissioners' courts of the several counties in this State respectively, shall number, file, and carefully preserve the reports mentioned in the fourth section of this act, and the said reports shall be free for the inspection of any individual who may wish to examine the same.

Reports to be filed in the office of co. clerk

SEC. 6. That hereafter no clerk of any county commissioners' court in this State shall receive any money claimed by

Co. clerks to receive mon-
eys due the
counties

or due to either of the counties of this State, from any source whatever, whether on account of revenue, costs, or fines, or from merchants, grocers, tavern-keepers, showmen, pedlars, or ferry licenses, or from any other source whatever.

No claims of
any co. shall
be considered
paid until the
treasurer's re-
ceipt shall be
taken therefor

SEC. 7. No claim of any county, whether for revenue, costs, or fines, or for merchants, grocers, tavern keepers, showmen, pedlars, or ferry licenses, or from any other source whatever, shall be considered as having been paid and satisfied until the money or other funds shall have been paid to the treasurer of such county, and his duplicate receipts had therefor, which receipts shall specify the kind of money or other funds in which the payment shall have been made; one of which receipts shall be presented to the clerk of the county commissioners' court of the proper county, which said clerk shall number, file, and carefully preserve the same in his office, which aforesaid duplicate receipts, it shall be the duty of the treasurer to give to any person who shall pay into the county treasury any money or other funds as aforesaid.

What receipt
shall contain

Receipt to be
filed with co.
clerk

Oath to be ta-
ken by co.
treasurer

SEC. 8. That hereafter each county treasurer, previous to entering on the duties of his office, shall take and subscribe an following oath, to wit: "I, A. B., treasurer of the county of ———, in the State of Illinois, do solemnly swear, (or affirm) that I will honestly and faithfully pay over to the proper officers and individuals authorised by law to receive the same, any and all current money, and other funds that may come into my possession by virtue of my office as treasurer of the county of ———, and that I will not, directly nor indirectly, exchange, lend, or use any portion thereof, for the purpose of speculation, nor will I appropriate or apply any portion thereof to my own use or benefit, or for the use or benefit of another, and that I will faithfully, and impartially, and to the best of my skill and judgment, perform the duties required of me by law as treasurer of the county of ———. A. B. Sworn to and subscribed before me this ——— day of ———, 18—, before me, C. D., justice of the peace for ——— county."

Penalty for
embezzling
co. funds

SEC. 9. That if any State or county officer, school commissioner, or any other person charged by law with having the possession and the safe keeping of any public money, Auditor's warrants, county orders, or other funds, belonging to the State, or to any county in the State, or in any way pertaining to the school funds or any county or township therein, shall convert to his own use, in any way whatever, or shall use, by way of investment in any kind of property or merchandise, or for his own use, shall loan, with or without interest, any portion of the public moneys, Auditor's warrants, county orders, or any other funds intrusted to him for safe keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged an embezzlement of so much of said moneys, Auditor's warrants, county orders, or other funds, as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony. Any officer

of the State, or of any county, or of any township, and all persons advising or participating in such act, being convicted thereof before any court of this State of competent jurisdiction, shall in case the sum so embezzled, taken, converted, invested, used, or loaned, be less than fifty dollars, be fined in a sum not exceeding two hundred dollars, or imprisoned in the jail of the proper county not exceeding three months, or both, at the discretion of the court before which such conviction shall be had; and in case the sum so embezzled, taken, converted, invested, used, or loaned, shall exceed fifty dollars, then the said officer or other person so convicted, shall be fined in a sum double the amount of the sum so embezzled, taken, converted, invested, used, or loaned, and confined in the penitentiary not exceeding ten years, nor less than one year; *Provided, however*, that this act shall not be so construed as to extend to any public officer or agent who shall loan any school or other fund, in pursuance of any of the laws of this State.

SEC. 10. If any clerk, county commissioner, or treasurer of any county in this State, shall neglect or refuse to perform any of the duties required of them by this act, they shall severally forfeit a sum of not less than fifty dollars, and not exceeding one thousand dollars, according to the nature and aggravation of the offence, to be recovered by indictment in the circuit court of the proper county, or by action of debt by any person who shall sue therefor, one-half to the person suing, and the other half to the proper county.

SEC. 11. The county commissioners' courts of this State shall publish annually, at their June terms, in a newspaper, if one is printed in the county, a full and perfect statement of the financial affairs of their respective counties, and if a newspaper is not published in said county, then the clerks of said courts shall post the same up in their respective offices, and shall be kept there for the inspection of all persons, at all times, they [who] may desire to examine the same.

SEC. 12. All acts coming within the purview of this act are hereby repealed.

APPROVED, February 28th, 1843.

AN ACT in relation to the school fund of Lawrence county.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the school commissioner of the county of Lawrence, and the trustees of schools in the several townships in Lawrence and Wabash counties, shall be and they are hereby authorized to dispose of all depreciated money which they may have on hand belonging to the school fund, upon such terms as in their judgment will be most to the advantage of the school fund.

APPROVED, March 3d, 1843.

In force, **AN ACT** to authorize and direct the Secretary of State to receive and preserve geological specimens, and for other purposes.
Mar. 4, 1843.

Preamble WHEREAS, it is desirable to obtain and diffuse amongst the people scientific knowledge, and especially a knowledge of mineralogy and geology, as contributing greatly to their happiness as well as the growth and perfection of agriculture and the mechanic arts; and whereas, it is desirable that a thorough geological survey of the State should be made so soon as the financial affairs of the State will permit, and as it is believed that until such survey can be made much useful information may be obtained by the voluntary aid and contributions of patriotic individuals, that will be of much immediate practical utility as well as greatly aid in such future survey; therefore, to effect objects so desirable,

Sec. of State
required to
receive cer-
tain speci-
mens &c.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Secretary of State be and he hereby is authorized and required to receive and safely preserve, in some convenient and proper place in the State House, all such geological and mineralogical specimens, ancient remains, Indian and other antiquities, as may be presented or sent to him.

To make a
catalogue

SEC. 2. It shall also be the duty of the Secretary of State to make and preserve, in the library room of the State House, or in the room where said specimens shall be kept, a catalogue, specifying therein from what place, from whom and when the same was received, with such additional memoranda as he shall deem important and proper.

He shall pre-
serve all let-
ters accompa-
nying speci-
mens

SEC. 3. It shall be the duty of the Secretary of State to file away and preserve in his office all letters and written statements accompanying said specimens, and such treatises on scientific subjects as shall be furnished to him, and at each session of the General Assembly he shall report thereto, giving a general account of the specimens received and the information obtained by virtue of this act.

This act to be
printed and
copies sent to
circuit clerks

SEC. 4. It shall be the duty of the Secretary of State, immediately after the passage of this act, to cause to be printed by the public printer, on strong, stout paper, of suitable size, this act and preamble thereto, together with the queries accompanying the report of the select committee to whom the resolution adopted by the House of Representatives, relative to mineralogical and geological enquiries was referred, he shall cause one thousand copies thereof to be printed, and shall transmit five copies thereof to each of the clerks of the circuit court of the respective counties in this State.

Clerks to post
them up in
their offices

SEC. 5. It shall be the duty of the said clerks respectively, upon the receipt of the printed copies of this act and preamble, and queries, firmly to post up a copy thereof in some convenient and conspicuous place in the court room of the court house of the county, or in the room where the circuit court of the county is usually holden, one copy in his office, and one

copy in some other public place in the county; and in case the copies thus posted up shall be removed by casualty or otherwise, it shall be the duty of said clerk to cause another copy to be posted up in its stead.

SEC. 6. Any person who shall intentionally deface, obliterate, tear down, or destroy, in whole or in part, any of the copies of said preamble, act, and queries, when posted up as aforesaid, shall be liable to the same penalties and in the same manner as is now provided by the one hundred and thirty-fourth section of the criminal code of this State.

APPROVED, March 4th, 1843.

AN ACT to punish the crime of incest.

In force,
Feb. 7, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all marriages hereafter contracted between parents and children, including grand-parents and grand-children of every degree, between brothers and sisters of the half as well as of the whole blood, and between uncles and nieces, aunts and nephews, are declared to be incestuous and absolutely void. This section shall extend to illegitimate as well as legitimate children and relations.

Within what degrees marriages are incestuous and void

Illegitimates within this act

SEC. 2. Persons within the degrees of consanguinity within which marriages are declared by the first section of this act to be incestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, or who shall lewdly and lasciviously cohabit with each other, shall be liable to indictment, and upon conviction be punished by imprisonment in the penitentiary not exceeding ten years.

Punishment

SEC. 3. Any person convicted of the crime of manslaughter shall be punished by confinement in the penitentiary for a term not exceeding eight years. The twenty-ninth section of the fifth division of the act in relation to criminal jurisprudence be and the same is hereby repealed.

Manslaughter how punished

29th section of criminal code repealed

SEC. 4. If a father shall rudely and licentiously cohabit with his own daughter, the father shall on conviction, be punished by a confinement in the penitentiary for a term not exceeding twenty years.

Father cohabiting with daughter, how punished

APPROVED, February 7th, 1843.

AN ACT to incorporate the Tazewell County Farmers' and Mechanics' Company.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel Woodrow, Nathan Dillon, Daniel Dillon, Daniel M. Bailey, Lewis Pret-

Tazewell co. Farmers' and Mechanics' company incorporated tyman, William Ramsay, H. L. Walch, and Hugh Woodrow, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the Tazewell County Farmers' and Mechanics' [Company] & Co., by that name shall be and are hereby made capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record or any other place whatever; to make, have and use a common seal, and the same to renew or amend at pleasure, and shall be and are hereby vested with all the powers necessary to carry into effect the purposes and object of this act.

General powers

May purchase real estate

SEC. 2. The company hereby incorporated shall have power, and are authorized to purchase real estate and other property, not exceeding the capital stock of said company, for the use and benefit of said company, and erect buildings thereon for mercantile, agricultural and mechanical purposes.

Capital stock

SEC. 3. The capital stock of said company shall consist of five thousand dollars, divided into shares of twenty-five dollars each, with the privilege of extending the same to fifty thousand dollars.

Officers

SEC. 4. The immediate government and direction of said company shall be vested in a board consisting of a president, vice president and six trustees, a majority of whom shall constitute a quorum for the transaction of business.

Meeting of stockholders

SEC. 5. As soon as the capital stock herein provided for shall be subscribed, or two thousand five hundred dollars thereof, the said Samuel Woodrow and company shall give public notice thereof; and call a meeting of the stockholders, who shall organize a board for the purpose of commencing business.

Time of electing officers

SEC. 6. The election of officers shall be held semi-annually in July and January, and each share represented in person, or by authorized proxies, shall be entitled to one vote, and those having the greatest number of votes shall be declared duly elected; elections shall be holden in Pekin, Tazewell county, Illinois, at which meeting the officers shall be chosen.

Company make by-laws

SEC. 7. The said company shall have power to make and establish such by-laws and ordinances as they shall deem necessary to carry into effect the provisions of this act; *Provided*, the same be not repugnant to the constitution and laws of this State or of the United States.

Stock personal property

SEC. 8. The stock of said corporation shall be deemed personal property, certificates for which shall be issued, signed by the president and countersigned by the secretary, and the same shall be transferable on the books of the corporation in Pekin.

Deeds how executed

SEC. 9. All bonds and deeds, in the purchase of real estate by the said corporation, shall be executed to the president and trustees of said company, and their successors in office, in trust for the stockholders of said company, and all convey-

ances of real estate, sold by the said corporation, shall be made by the president with consent of trustees, who shall be stockholders in the aforesaid company.

SEC. 10. No person except he be a practical farmer or mechanic shall be eligible as a stockholder in said company, and no stockholder shall purchase or hold more than four shares. Qualification of stockholders

SEC. 11. This act is hereby declared a public act, to take effect from and after its passage, and be liberally construed for the purposes herein contained, and continue in force for the term of twenty-five years; that the Legislature hereby reserves to itself the right, at any time hereafter, to alter, modify or repeal this act; and the stockholders of this incorporation shall be liable in their private property for all corporate debts. Public act &c

APPROVED, March 3d, 1843.

AN ACT to amend an act entitled "an act to incorporate the Union Agricultural Society." In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois,* Union Agricultural Society
represented in the General Assembly, That from and after the passage of this act, the Union Agricultural Society may adopt a constitution and by-laws for its government, and may amend the same at pleasure, and may, by them, direct the proceedings of the society in the following particulars; any thing in the original act of incorporation, or the amendment thereto, to the contrary notwithstanding; in all matters pertaining to the meetings and giving notice thereof; the obtaining of subscriptions to the capital stock; the plans that may be adopted for promoting the objects of the society, as declared in the first section of the original act of incorporation; the number of trustees and other officers that shall be elected, and from what part of the district of the society; the mode of election, and the terms of office of the several officers; and any informalities that may have occurred heretofore, in the transactions of the society, shall not invalidate its charter. Certain proceedings not to invalidate its charter

SEC. 2. That when specific powers are granted to the trustees, those powers may be exercised by the stockholders; that where new counties have been or may be created, embracing a portion of the district of said society, said county or counties may or may not be included within the bounds of said incorporation, as the society shall determine by vote of two-thirds of all the members present at an annual meeting. Powers

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843. AN ACT to incorporate the Grand de Tour Manufacturing Company.

Grand de
Tour Manu-
facturing
company in-
corporated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Solon Cumins, William G. Dana, and Willard A. House, of Ogle county, and their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name and style of the Grand de Tour Manufacturing Company.

General pow-
ers

SEC. 2. Said company shall be competent to contract and be contracted with, and be capable in law and equity to sue and be sued, plead and be impleaded, to answer and be answered unto, to defend and be defended in all courts and places, and in all matters whatsoever. Said corporation may have and use a common seal, which they may alter or change at pleasure, and may also make and establish, and put in execution, such by-laws, ordinances, and regulations as may be necessary for the good government of said corporation, and the prudent and efficient management of its affairs; *Provided*, the same be not inconsistent with the spirit of this act, the constitution of this State, and the constitution of the United States.

Capital stock

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and the said corporation may have power to increase their capital stock to any amount, not exceeding two hundred and fifty thousand dollars, if such amount shall be deemed necessary, to be by them expended in the erection of mills, machine works, boats, wagons, necessary buildings, digging such runs and canals as may be necessary to carry on their business, and also to be expended in mining for stone coal and other materials.

May loan
money on
their bonds or
other eviden-
ces of indebt-
edness

SEC. 4. In order to facilitate the business operations of said company or corporation, they shall be authorised to obtain any sum or sums of money on the issue of their bonds or other evidences of debt; also, to negotiate a loan or loans of money to the amount of its capital stock, and to pledge all its property, real and personal, and all its rights, credits, and franchises for the payment thereof; *Provided*, that the evidences of debt authorised by this section shall not be issued for the purpose of circulation as money.

May erect a
dam across
Rock river

SEC. 5. Said corporation shall have the right to erect a dam across the north branch of Rock river to the island lying opposite the town of Grand de Tour, of such height as they may deem necessary for the creation of water power; *Provided*, that said dam shall not interfere with the free navigation of said river.

May hold real
estate

SEC. 6. That said corporation may purchase and hold such real estate as may be deemed necessary for the transaction of its business; *Provided*, the same shall not exceed six hundred and forty acres; but said corporation may hold, as securities, any real estate, mortgaged or pledged, to secure the payment

of debts due, or that may become due, to said corporation; and also, may purchase on sales made by virtue of any judgment at law, or any decree of a court of equity in favor of said corporation, to take and receive real estate in payment, or towards the satisfaction of any debt previously contracted or due said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or personal property, and to sell and convey said real estate or any part thereof; *Provided*, all real estate purchased under judgment of any court of law, or decree of any court of equity, or taken in payment of debts as aforesaid, shall be sold within five years from the date of purchase as aforesaid, otherwise the same shall be forfeited to the State of Illinois.

SEC. 7. This act is hereby declared a public act, and shall take effect from and after its passage, and remain in full force for twenty-five years.

APPROVED, March 4th, 1843.

AN ACT to incorporate the Coltonville Steam and Hydraulic Manufacturing Company.

In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Abiel Richardson, Erastus Hamblin, Rufus Colton, Curtis Smith, Levi C. Barber, Calvin S. Colton, Henry B. Barber, George Hartshorn, Russel Huntley, Phineas Stephens, Solomon Hollister, William Thompson, Luman Huntley, and James Paisley, and their associates and successors, shall be and they are hereby declared a body corporate and politic, by the name and style of the Coltonville Steam and Hydraulic Manufacturing Company, and by this name they and their successors shall have succession, and shall, in law, be capable of suing and being sued, plead and being impleaded, in all courts and places whatsoever; may have a common seal and alter the same at pleasure; and they and their successors may also, by that name and style, be capable, in law, of purchasing, holding, and conveying real and personal property for the use and purposes of said incorporation; which real estate shall not exceed one hundred and sixty acres of land whereon to erect the necessary enclosures, and for other purposes connected with the business of said company.

SEC. 2. *Be it further enacted*, That said company hereby created shall have power to erect mills and manufactories, to be propelled by the power of steam, wind, or water, at the village of Coltonville, in the county of De Kalb, and they are hereby authorized to construct a dam on the branch of the Kishwaukee, running near the said village; and the company hereby created shall have power to carry on the manufacturing of the various kinds of grain, wool, cotton, hemp, lumber,

General
powers

and other manufactures, to export the same, and other products of the country, and to use all such other powers and privileges as may be necessary to carry on the business of said company.

Capital stock

SEC. 3. The capital stock of said company shall consist of three thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, to be divided into shares of twenty dollars each.

Com'rs to obtain capital

SEC. 4. For the purpose of carrying into effect the objects of this corporation, Abiel Richardson, George Hartshorn, Curtis Smith, Levi C. Barber, and Calvin S. Colton are hereby appointed commissioners to obtain subscriptions to the capital stock of said company, and said commissioners, or a majority of them, after giving general notice thereof, may open books for the subscription of said stock at such times and places as they may direct, and keep them open until at least one hundred and fifty shares are subscribed. Every person, at the time of subscribing, shall pay to said commissioners three dollars for each share subscribed, and when such subscription is completed as aforesaid, or within sixty days thereafter, said commissioners, or a majority of them, shall call a meeting of the stockholders at Coltonville, by posting up notices in different public places in the county of De Kalb.

To open books for subscriptions thereto

Three dollars per share to be paid at the time of subscribing

Meeting of stockholders to elect directors

Their duties

Elections &c.

Election and duty of officers

SEC. 5. At such meetings the stockholders of said company shall proceed to elect, from their own body, five directors, who shall manage, direct, and govern the affairs of said company one year from the period of said election, and until their successors are elected and qualified, and that at said election each stockholder shall be entitled to one vote for each share he or she may hold, and a majority of all the votes given shall be required to make an election. The period of election, of directors as aforesaid, shall be annually on the first Monday of the month in which the first election shall be held; *Provided, always,* that in case of the absence of any stockholder, the same may vote by proxy.

SEC. 6. Immediately after the directors are chosen as aforesaid, they shall hold a meeting, at which, and at all subsequent meetings of the board, a majority of the directors shall constitute a quorum, and they shall proceed to the election of a president from their own body, a secretary shall also be chosen from the body of the stockholders, who, before entering upon the discharge of his duties, shall take an oath before some justice of the peace, or other person legally authorized to administer the same, for the faithful discharge of his duty, and who shall record all votes and other proceedings of the corporation in a book to be kept for that purpose; a treasurer shall also be appointed in like manner, who shall take a similar oath and shall give bond to such amount, and in such manner, as the said president and directors shall direct, and the board shall appoint all such other officers and agents as to them may, from time to time, appear necessary.

SEC. 7. Said president and directors shall have power to make and establish such by-laws, rules, and regulations as shall be necessary and not inconsistent with the laws of this State and the provisions of this act, and which may be necessary for the payment and collection of the subscriptions to its stock, and take transfer of the same, and of property, or that may in any other way concern the management and direction of the affairs of said company.

SEC. 8. If it should happen that any election should not be made the day on which, by the provisions of this act, it should be made, the corporation shall not for that reason be dissolved, but such election may be held on any other day within thirty days thereafter, public notice being given by the directors thereof.

SEC. 9. This act shall be deemed a public act, and shall be construed favorably for the purposes therein expressed and declared in all courts and places whatsoever.

SEC. 10. The stockholders in said company shall be liable individually for any deficit that might arise in the liquidation of the liabilities of said company in proportion to the amount of stock that each may hold after the assets of said company are exhausted.

APPROVED, March 1st, 1843.

AN ACT to incorporate the Galena Manufacturing Company.

In force,
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter described, shall be and they are hereby constituted and declared a body politic and corporate, by the name and style of the Galena Manufacturing Company, from and after the passing [of this act,] and by that name they and their successors shall have succession for the period of twenty-five years, and shall, in law, be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, and they shall have power to hold real estate to any amount not exceeding eighty acres.

SEC. 2. The president and directors of said corporation hereinafter provided for, shall have power, and are hereby authorised to carry on the manufacture of flour, lumber, lead, woollen and cotton goods, and to carry on all kinds of mechanical and manufacturing business, and to erect all necessary buildings and machinery for the prosecution of the same, and to give and receive promissory notes, and to do and perform all necessary acts as natural persons; *Provided*, that said corporation shall not issue any promissory notes, or other evidence of indebtedness intended as a circulating medium.

Capital stock **SEC. 3.** The capital stock of said company shall be fifty thousand dollars, with power to increase the same to one hundred thousand dollars; which said capital stock shall be divided into shares, of fifty dollars each, payable in such instalments; and at such times, and subject to such forfeitures, as shall be prescribed by the said board of directors.

Com'rs to open books **SEC. 4.** That for the purpose of carrying into effect the object of this incorporation, Charles S. Hempstead, Reuben W. Brush, Daniel Wann, T. B. Farnsworth, William Hempstead, E. W. Turner, and Edward H. Snow, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company, and said commissioners, or a majority of them, shall take such measures for opening books for the subscription to the capital stock of said company, in such manner, at such times and places, and on such terms, as they shall deem expedient and proper.

Directors to be elected **SEC. 5.** The said commissioners, at an early day, shall call the stockholders together for the purpose of electing the directory of said company; at which meeting there shall be elected by ballot five directors, each five shares giving one vote; and there shall annually thereafter be elected five directors of said company, and the said directors so chosen, or a majority of them, shall constitute a board, and be competent to the transaction of business, and may, after electing one of their number to preside over the board, from time to time make and prescribe such by-laws, rules, and regulations relative to the concerns of said corporation, and appoint and create such officers as they may deem necessary in carrying on the business of said corporation.

Indebtedness not to exceed capital stock **SEC. 6.** The total amount of debts which the said corporation shall at any time owe, shall not exceed the amount of their capital stock, and in case of such excess, those under whose administration it shall happen shall be holden for the same in their private and individual capacity, but this shall not be construed to exempt the corporate property of the company from being also liable and chargeable for such excess, and the stock of said corporation shall be deemed personal property, and assignable and transferable on the books of the corporation; but no stockholder indebted to the corporation shall be permitted to make a transfer until such debts be paid or secured to be paid to the satisfaction of the directors.

Not to have banking powers **SEC. 7.** That nothing in this act shall be construed to invest said company with any banking powers, or to authorise them to make, emit, or utter any bills of credit, bank notes, or other things, to be used as a circulating medium, as and in lieu of money.

APPROVED, March 6th, 1843.

AN ACT to incorporate the Mechanics' Institute in the city of Chicago. In force,
Jan. 2, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles M. Grey, Alson Sherman, Elijah Smith, Ira Mittemore, and such other persons as are or may become members of the Chicago Mechanics' Institute, are hereby constituted a body politic and corporate, located in the city of Chicago, and by the name of the Chicago Mechanics' Institute. Name of corporation

SEC. 2. The objects of the said association are to diffuse knowledge and information throughout the mechanical classes, to found lectures on natural, mechanical, and chemical philosophy, and other scientific subjects, to create a library and museum for the benefit of mechanics and others, and to establish schools for the benefit of their youth, and to establish annual fairs. Objects of incorporation

SEC. 3. The said corporation shall have power to contract and be contracted with, sue and be sued, implead and be impleaded with, answer and be answered unto, in all courts of this State, and shall be vested with all the powers and privileges necessary to carry out and fulfil the objects of their corporation. Corporate powers

SEC. 4. Said corporation shall have further power to establish for its government a constitution and by-laws, to have a common seal, to alter and change the same, to erect a building in the city of Chicago for its accommodation, and to that end to obtain and hold, and convey a lot or lots of land in said city, not exceeding ten thousand dollars in value, and such amount of personal property as the said institute may obtain by purchase, donation, or otherwise. By-laws
May hold real estate

SEC. 5. The property, real and personal, of said corporation shall be devoted solely to the purposes and objects of said institute, as set forth in the second section of this act, and the Legislature shall have power to repeal this charter whenever the public good shall in their opinion require it. Power to repeal

APPROVED, January 2d, 1843.

AN ACT entitled "an act to incorporate the Morgan Institute." In force.
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James A. McDougall, George M. Chambers, Thomas Monroe, C. Scott, B. F. Stevenson, H. B. McClure, N. English, O. M. Long, J. C. King, J. Bancroft, and their successors in office, be and they are hereby created a body corporate, under the name and style of the Morgan Institute, by which name and style they shall have perpetual succession, and shall have and exercise all such corporate powers as shall or may be requisite or necessary in promoting the object of this incorporation, to wit: Morgan Institute incorporated

Object of incorporation the establishment of a library and reading rooms, maintaining literary and scientific lectures, and generally promoting moral and intellectual improvement, and for such purposes the said corporation may make contracts, sue and be sued, implead and be impleaded, take by purchase, devise or otherwise, and hold, transfer and convey real estate to the amount of twenty thousand dollars, and also take, hold, sell, and convey, all such books, cabinets, library, furniture, apparatus, and personal property generally, as may be convenient or necessary for attaining the objects and carrying into effect the purposes aforesaid.

Control of property &c. of incorporation vested in executive committee SEC. 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation shall be vested in an executive committee, to consist of a president, two vice presidents, a secretary, treasurer and five managers of the said corporation, who shall be elected annually to their respective offices by such of the members of the said institute as may be entitled by the rules of [the] institute to vote at such elections. Said annual elections shall be held on the second Monday of August of each year, or on such other day as said incorporation may appoint; and until the next annual election the following named persons shall constitute the officers of said incorporation, to wit: James A. McDougall, president, George M. Chambers and Thomas Monroe, vice presidents, C. Scott, secretary, B. F. Stevenson, treasurer, and H. B. McClure, N. English, O. M. Long, J. O. King and J. Bancroft, managers; in case of a vacancy occurring at any time in any of said offices by death, resignation, or otherwise, the said executive committee shall have power to fill the same.

Elections

Officers

Certain property vested in incorporation SEC. 3. All personal property, funds, securities, of every nature and kind whatsoever, now held by the above named persons, or any other person or persons, in trust or for the use of a society heretofore and now known as the Morgan Institute, in the town of Jacksonville, shall, by virtue of this act, vest in and become the property of the incorporation hereby created, and may be sued for and recovered in the name thereof.

Application of funds SEC. 4. The estate, property and funds of the said corporation, shall be devoted exclusively to the general purposes specified in the first section of this act.

SEC. 5. This act shall take effect immediately upon its passage.

APPROVED, March 6th, 1843.

In force,
Mar. 3, 1843.

AN ACT to incorporate the La Salle County Mutual Fire Insurance Company.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John C. Champlin*

Lorenzo Leland, Alson Woodruff, Harmon Hurlbut, R. P. Woodworth, Randolph Sizer, H. G. Cotton, J. V. A. Hoes, Daniel Sanger, George E. Walker, and William M. True, and all other persons who may hereafter become members of said company in the manner herein prescribed, be and they hereby are incorporated and made a body politic for the term of twenty years from the passage of this act, by the name of the La Salle County Mutual Fire Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture, and merchandise against loss or damage by fire, whether the same shall happen by accident, lightning, or any other means, excepting that of design in the assured, or by the invasion of an enemy, or insurrection of the citizens of this or of any of the United States, and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend, in any court of record or other place whatever; may have and use a common seal, may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey at pleasure; *Provided*, such real estate shall not exceed one hundred and sixty acres; may make, establish, and put in execution, such by-laws, ordinances, and regulations, not being contrary to the laws of this State or of the United States, as may seem necessary and convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.

La Salle Mutual Fire Insurance company incorporated

General powers

SEC. 2. All the sections, except the first, of "an act to incorporate the Illinois Mutual Fire Insurance Company," approved February twenty-third, one thousand eight hundred and thirty-nine, shall be and hereby are made a part of this act; *Provided*, that the words Alton and Madison, in said recited act, shall in this act be Ottowa and La Salle; *And provided further*, that for the words "of Madison" in the tenth section of the aforesaid recited act, shall be substituted in this act the words, "in which such loss or damage may have accrued."

Provisions of the law incorporating Illinois Mutual Fire insurance made part of this act

APPROVED, March 3d, 1843.

AN ACT to repeal an act entitled "an act to regulate Foreign Insurance company agencies established in the State of Illinois, and for other purposes" In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That an act entitled "an act to regulate Foreign Insurance company agencies, established in the State of Illinois," approved February twenty-seventh, one thousand eight hundred and forty-one, be and the same is hereby repealed.

Certain act repealed

Foreign Insurance companies regulated **SEC. 2.** Hereafter the agents of foreign insurance companies shall, upon their acceptance of such agencies, signify the same in writing, to the clerk of the county commissioners' court of their respective counties, which notice shall be filed by the clerk in his office, which shall entitle the agent to grant policies of insurance, according to the laws governing the company of such agency.

Foreign Insurance companies to pay the State 3 per cent. on the amount of premiums charged **SEC. 3.** The said agent or agents shall be required to pay over to the clerk of the county commissioners' court three per cent. on the amount of premiums charged by him on all policies by him issued, and the said clerk shall give to the agent duplicate receipts, one of which the clerk shall retain, and the said clerk shall enter the amount so received in a book kept by him for that purpose, designating the time when, and from what agent the same was received, and the said clerk shall, on the first day of January and the first day of July annually, (if he has in his hands any funds so received) make out an abstract of the same, and shall forward said abstract, together with the money on hand, to the Treasurer of the State of Illinois, who shall receive the same and enter the amount so received in a book kept by him for that purpose, with the time when, and from what clerk and county the same was received; and the moneys so received shall be considered as revenue to the State, and by the Treasurer paid out as such.

Penalty for not paying per cent. **SEC. 4.** Any agent failing to pay over to the clerk of the county commissioners' court, the per cent. as directed in this act, shall subject himself to be fined double the amount of the premium upon which he failed to pay over the per cent. as directed in this act, which fine may be recovered before any justice of the peace, or any court having competent jurisdiction, by action of debt; one half of the fine recovered under this act to go to the informer and the other half to be paid over to the clerk of the county commissioners' court, and paid over by him to the State Treasurer, in like manner as the per cent. in this act is directed to be paid.

SEC. 5. This act to take effect from and after its passage.
APPROVED, March 4th, 1843.

In force, Mar. 4, 1843. **AN ACT** to amend the act entitled "an act to incorporate the Illinois Mutual Fire Insurance Company," approved February 23d, 1839.

Directors of Ills. Mutual fire insurance company may pay all losses at one period in each year **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the directors of said company be and they are hereby authorized to settle and pay all losses at only one uniform period in each year, subsequent to the annual assessment; *Provided,* that members sustaining loss or damage by fire shall be allowed interest thereon from the time due notice has been given of such loss until payment is made; and so much of the fourteenth section of said act as

is inconsistent with the provisions of this act be and the same is hereby repealed.

SEC. 2. In all suits by or against said company, any members of said company shall be a competent witness, except in suits in which he or she shall be directly a party; *Provided*, that such person shall not be otherwise disqualified. Members of company competent witnesses

SEC. 3. The records of said company, or copies thereof, duly authenticated by the signature of the president and secretary, shall be competent evidence in any suit in which said company may be a party. Copies of records testimony

SEC. 4. In case it shall become necessary to resort to the lien on the property insured, the treasurer shall demand payment of the insured, or his legal representative, and of the tenant in possession, and in case of non-payment said company may sustain an action on the deposit note, and then execution may be levied on the insured premises, and the officer making the levy may sell the whole, or any part of the estate at auction, giving notice and proceeding in the same manner as is required in sales under execution, or may proceed in equity at the option of the company. Insurance money how collected

SEC. 5. That if any person or persons, who are or shall become members of said company by effecting insurance therein, their heirs, executors, administrators, or assigns, shall neglect or refuse the payment of any assessment or assessments duly ordered by the directors of said company, for the term of thirty days after the same shall have become payable, agreeable to public notice by the treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her, or their insurance or insurances respectively, for and during the term of such default or non-payment, and notwithstanding, shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her, or their policies of insurance, pursuant to the provisions of the act to which this is an amendment. Penalty for neglecting payment of assessment

SEC. 6. That in all cases where real or personal property insured by said company shall become alienated by sale, by change in partnership or ownership, or otherwise, the policies issued thereon shall be void, and shall be surrendered to said company to be cancelled, and said company shall not be liable for any loss and damage which may happen to any property after such alienation as aforesaid unless the policies issued thereon shall have been duly assigned or confirmed by the consent of the directors to the actual owner or owners thereof previous to such loss and damage, and no policy issued by said company shall be deemed to have been duly assigned or confirmed unless the consent of the directors to such assignment or confirmation is certified on such policy by the secretary of said company. Insured property sold avoids policy unless same is assigned by consent of directors

SEC. 7. That so much of the act to which this is an amend-

ment as is inconsistent with this act be and the same is hereby repealed.

This act not to affect the rights of former members of company

SEC. 8. This act shall not affect the rights of any person or persons who have become members of said company before the passage of this act, unless such persons assent to the provisions of the same by themselves or proxies at the next annual meeting of said company, or signify their assent in writing directed to the board of directors.

APPROVED, March 4th, 1843.

In force, Mar. 3, 1843.

AN ACT to provide for the payment of interest on the school fund, in the township therein named.

Trustees of schools in certain townships in Edwards and Wabash counties may make a certain arrangement with James Wightman

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of schools in township two, south of range fourteen west, situate in the counties of Edwards and Wabash, be and they are hereby authorised and empowered to receive from James Wightman, of the county of Edwards, a relinquishment of lots, numbered three, four, five, and six, being part of school section number sixteen, in the township aforesaid, purchased by said Wightman, on the sixth day of December, eighteen hundred and thirty-nine, with the improvements thereon. And upon such relinquishment of the lands, so as aforesaid purchased by the said Wightman, with the improvements, said trustees are hereby further authorised and empowered to release the said Wightman from any further liability on account of his purchase as aforesaid, and to deliver up to said Wightman all notes and other evidences of indebtedness arising out of his said purchase; *Provided*, that said Wightman, before he shall be entitled to such release, shall make to such trustees, good and sufficient deeds of conveyance, for any title to the lands aforesaid, which he may have acquired by virtue of his said purchase. This act to take effect, and be in force from and after its passage.

APPROVED, March 3d, 1843.

In force, Feb. 25, 1843.

AN ACT in relation to judgments and executions.

Executions may issue against deceased judgment debtors without reviving said judgment against heirs or legal representatives

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That where a judgment has or may hereafter be obtained in any court of record of this State, against any person or persons, who has or shall after the rendition of said judgment, and before execution issues thereon, die, it shall be lawful for execution to issue against the lands and tenaments of said deceased person or persons, without first reviving the judgment against their heirs or legal representatives; any thing in any law to the contrary notwith-

standing; *Provided, however,* the plaintiff or plaintiffs in execution, or his or their attorney, shall give to the executor or administrator, if there be any, of said deceased person or persons, at least three months' notice in writing, of the existence of said judgment before the issuing of execution; *And provided further,* that no execution shall issue until after the expiration of twelve months from the death of such deceased person or persons.

Three months notice to executors and administrators if any

APPROVED, February 25th, 1843.

AN ACT regulating the manner of selecting juries in certain cases.

In force, Feb. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Whenever hereafter a failure takes place to hold a regular term of any of the circuit courts of this State, and a special term of said court is called, it shall be the duty of the sheriff to summon, for said special term, the list of grand and petit jurors furnished for the regular term preceding.

Duty of sheriff in summoning jurors in certain cases &c.

SEC. 2. The county commissioners' courts of this State are hereby authorised, at any special term of their courts, to select lists of grand and petit jurors in the manner now provided by law, for any special term of the circuit courts in their respective counties.

When co. com'rs courts may select jurors at special terms

SEC. 3. This act shall be in force from and after its passage.

APPROVED, February 1st, 1843.

AN ACT to allow grand and petit jurors mileage.

In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter there shall be allowed and paid to grand and petit jurors for their services in attending circuit courts of the several counties in this State, the sum of seventy-five cents per day, for every day necessary in attending courts as aforesaid, as such jurors, and for every mile of necessary travel, to be computed from the place of holding courts, to the residence of the juror, five cents per mile, to be paid out of the county treasury, as now provided by law, for the payment of grand and petit jurors.

Payment of grand and petit jurors

Mileage

SEC. 2. That whenever any person shall be summoned as talisman, to attend any circuit court as a petit juror, and shall be detained as such, longer than one day, such person so summoned shall be allowed mileage from the place of holding courts to the residence of such juror, in the same manner as though such person had been originally selected and summoned. Mileage only to be computed one way.

Talisman to receive same compensation if detained more than one day

APPROVED, March 4th, 1843.

In force, AN ACT to increase the number of justices of the peace in the justice's
 Aug. 7, 1843. district therein named.

District embracing Amity entitled to four justices & constables
 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the justice's district in which the town of Amity is situated in the county of Bond, shall be entitled to four justices of the peace and constables, one of which justices and constables shall reside in or near the said town of Amity.

Act to take effect at next election of justices
 SEC. 2. This act to take effect and be in force from and after the next regular or biennial election for justices of the peace and constables.

APPROVED, January 24th, 1843.

In force. AN ACT legalizing the acts of Daniel S. Ebersol, a justice of the peace
 Feb. 3, 1843. in Livingston county.

Preamble WHEREAS, Daniel S. Ebersol was duly elected and commissioned justice of the peace for the county aforesaid, on the first Monday of August, one thousand eight hundred and forty-two; and whereas, being himself clerk of the county commissioners' court, he was sworn into office by Truman Ruthersford, probate justice of the peace for said county; now therefore,

Acts legalized SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular the acts of the said Daniel S. Ebersol, as such justice of the peace, shall be as legal and binding to all intents and purposes, either in law or equity, as if he had been sworn into office as the law requires.

SEC. 2. This act to be in force from and after its passage.
 APPROVED, February 3d, 1843.

In force, AN ACT to confirm the acts of John J. McGraw, justice of the peace for
 Feb. 25, 1843. De Witt county.

Acts of J. J. McGraw legalized
 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the acts of John J. McGraw, as a justice of the peace for De Witt county, shall be valid and legal, as if the said John J. McGraw had been legally sworn into office.

APPROVED, February 25th, 1843.

In force, AN ACT for the relief of Henry B. Cone and James W. Nobles.
 Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry B. Cone,

and James W. Nobles are entitled to a pre-emption on the following quarter sections, to wit: Henry B. Cone shall be entitled to the south-west quarter of section thirty-four, in township twenty-two north, range five, east of the fourth principal meridian, and James W. Nobles shall have the same privilege to pre-emption upon the north-west quarter of section three, in township twenty-one north, range five, east of the fourth principal meridian; *Provided*, said quarter section, belong to the State of Illinois; *And be it further provided*, that said Henry B. Cone and James W. Nobles shall pay into the treasury of the State one dollar and twenty-five cents per acre, in gold or silver; and it shall be the duty of the Governor, upon the Treasurer's receipt of the one dollar and twenty-five cents, in gold and silver, by either of the aforesaid persons, to cause a title patent to be issued to the aforesaid person or persons for the aforesaid land or lands.

In relation to
certain pre-
emption
rights

SEC. 2. That Francis Van Valkenburgh, of Winnebago county, is hereby granted a pre-emption right to the west half of the north-west quarter of section, number eighteen, in township twenty-seven north, of range ten, east of the fourth principal meridian, and shall be entitled to a patent for the same from the State, upon the terms and under the limitations set forth in the first section of this act; *Provided*, that the several persons above named shall avail themselves of the privileges in this act granted, by making full payment into the State treasury for the several lots of land described, previous to the time that may hereafter be appointed for the public sale of lands, selected in the Dixon land district, under the act of Congress of the fourth of September, one thousand eight hundred and forty-one.

Same

APPROVED, March 4th, 1843.

AN ACT to authorise the county commissioners of Wayne county to transfer a certain lot of ground therein named.

In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the county commissioners' court, in and for Wayne county, agents in trust for the Methodist Episcopal Society, at Fairfield, be and they are hereby authorised to transfer by deed in fee simple, a certain out lot adjoining the town of Fairfield, known as "the Parsonage," in accordance to the sale heretofore made by the trustees of the said Methodist Episcopal Society.

Co. court of
Wayne co.
authorised to
transfer cer-
tain property

SEC. 2. Said deed, when so made, shall be considered as conveying to the grantees therein named all the title, estate, and interest of the said society, and in all respects shall be good and valid in law.

Effects of the
conveyance

APPROVED, February 23d, 1843.

In force, AN ACT to authorise the Governor to convey certain lots in the town of
Feb. 23, 1843, Shawneetown to E. J. Durbin.

Preamble

WHEREAS, John M. Kelly, Esq., was on the eighth day of May, 1841, appointed by the Treasurer of the State of Illinois an agent to take charge of all the property purchased by the State on account of the internal improvement system lying east of the third principal meridian, with general powers for the collection, custody, and sale of the same, according to his discretion; and whereas, the said Kelly found the building at Shawneetown, intended for a depot, to be in an unfinished and a decaying state, and would soon become worthless unless some disposition of it was immediately made, and finding it to be out of his power to realise any thing from the building, unless he should sell with it the lots owned by the State on which the building is situated, he therefore offered to sell, at public vendue, the lots, on the fourth day of September, 1841, and E. J. Durbin being the highest bidder, became the purchaser, at and for the sum of \$2,912 00; and whereas, the said Durbin paid, at the time of the purchase, ten per cent. on the amount, and is now ready to pay the balance in State scrip, agreeable to the terms of the said sale; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sale of the lots in the town of Shawneetown, known and described on the plat of said town as in-lots numbered eleven hundred and seventy-five, (1175) and eleven hundred and seventy-six, (1176) on which a building was erected, intended for a depot on the Shawneetown and Alton railroad, which was made by John M. Kelly, agent appointed by the State Treasurer, to E. J. Durbin, be and the same is hereby ratified.

Sale of lots in
Shawneetown
ratified

Gov. to make
deed of con-
veyance

SEC. 2. The Governor is hereby authorised to execute to the said E. J. Durbin a deed of conveyance for the lots mentioned in the first section of this act, so soon as the said Durbin pays, or causes to be paid into the treasury of the State of Illinois, the balance in State internal improvement scrip or bonds, now due or hereafter to become due, agreeable to the terms of the said sale.

APPROVED, February 23d, 1843.

In force, AN ACT supplemental to "an act for the sale of certain lots therein
Mar. 2, 1843. named," approved February 26th, 1841.

Sale of cer-
tain lots

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the south-west fractional quarter of section number eight, in township twenty north, range nine west, in the county of Mason, and State of Illinois, may be sold in the same manner and under the same restrictions, prohibitions and limitations as provided for by "an

act for the sale of certain lots therein named," approved February 26th, 1841. This act to be in force from and after its passage.

APPROVED, March 2d, 1843.

AN ACT in relation to the distribution of the laws and documents of the Congress of the United States. In force,
Feb. 2, 1843.

SEC. 2. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Secretary of State to distribute with the laws of the present General Assembly, to each of the clerks of the county commissioners' courts in this State, one set of the documents, legislative and executive of the Congress of the United States, in relation to the public lands, to be kept by said clerks in their offices for the use of the people of their respective counties. Documents referring to public lands to be distributed to counties

SEC. 2. The Secretary of State shall also send to each senatorial district in this State one copy of the acts of Congress, from eighteen hundred and twenty-two to the present time, to be deposited with the clerk of the county commissioners' court where the votes for said district are canvassed, for the use of the people of said district, and hereafter with each distribution of the laws of this State there shall be sent out as aforesaid, to each of said districts, one copy of the acts of Congress which may hereafter be received. Distribution of acts of Congress

APPROVED, February 2d, 1843.

AN ACT to amend an act entitled "an act providing for the binding of the laws and journals," approved January 31st, 1840. In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Secretary of State, after having given six weeks notice, to be published in one of the newspapers printed at the city of Springfield and one at the city of Chicago, of the time of letting the folding, stitching and binding, to contract with some responsible book binder or binders, who reside in this State, before the commencement of each regular or special session of the General Assembly of this State, to do the folding, stitching and binding of the approaching session, consisting of reports, journals and laws, in the following manner and at no greater prices than those annexed, to wit: for folding, stitching and covering with blue paper, and cutting the edges of the journals, three and one half cents for each one hundred pages in the volume; for folding and stitching reports, two cents for each one hundred pages in the volume; for binding laws and journals and reports for Secretary's office, with lea- Sec. of State to contract for folding, stitching, and binding the Reports, Journals and Laws

ther backs and paper sides, when the number of pages do not exceed one hundred and fifty, twelve and one half cents for each one hundred pages; when the volume of laws contains over one hundred and fifty pages, the price shall be ten cents for each one hundred pages of the volume; for binding the revised laws, in case they should be revised, for furnishing leather and full binding with leather covering, law form, and done in a neat workman-like manner, fifteen cents for each one hundred pages in the volume.

May contract
at less prices
than are here-
in specified

SEC. 2. The Secretary of State is hereby required and authorized to contract for the binding, in the first section of this act specified, at less prices than therein named, if in his power so to do.

First sec. of
act of Jan. 31,
1840, repealed

SEC. 3. That the first section of "an act providing for the binding the laws and journals," approved January 31st, 1840, be and the same is hereby repealed.

APPROVED, February 23d, 1843.

In force,
Feb. 1, 1843.

AN ACT to authorize Henry H. Singleton to build a mill-dam across the Crab Orchard creek.

Right to erect
and continue
a mill dam
granted to H.
H. Singleton,
his heirs, &c.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry H. Singleton, his heir, and assigns, are hereby authorized to erect and continue a mill-dam across the Crab Orchard creek, on the south-west fourth, of the north-west fourth, of section nineteen, township nine south, of range one east, in the county of Williamson.

APPROVED, February 1st, 1843.

In force,
Feb. 1, 1843.

AN ACT authorizing Benjamin Vermilion to erect a mill-dam across Raccoon creek, in Clay county.

Right to build
mill-dam
granted

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin Vermilion, his heirs and assigns, be and they are hereby authorized to build and continue a mill-dam across Raccoon creek, in Clay county, on section eighteen, in township two north, in range seven east, third principal meridian, ten feet high from the bed of said creek; *Provided, however,* that said mill-dam shall be so constructed as not to interfere with private rights. This act to be in force from and after its passage.

APPROVED, February 1st, 1843.

Height

AN ACT to authorize Benjamin B. Gates and David Higby to extend their mill-dam, on the rapids of the Mississippi river. In force,
Feb. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin B. Gates and David Higby be and they are hereby authorized to build and continue their wing-dam, on the Des Moines rapids of the Mississippi, contiguous to fractional section number twelve, in township number five north, range number nine, west of the fourth principal meridian, in the county of Hancock. Location of
dam

SEC. 2. The said wing-dam shall not be raised exceeding ten feet high above low water mark, and shall not be extended more than one hundred and twenty-five rods in length; *Provided*, said dam shall in no case be so constructed as to interfere with the navigation of said river. Height and
extent
Not to inter-
fere with nav-
igation

SEC. 3. The rights and privileges herein granted unto the said Benjamin B. Gates and David Higby shall extend to their heirs, executors, administrators, or assigns, for the purpose of conveying the water of said river to their mills and other machinery. This act to take effect from and after its passage. Grant to ex-
tend to heirs
of Gates &
Higby

APPROVED, February 6th, 1843.

AN ACT to authorize John T. Davis, and his associates, to build a mill-dam on Saline creek, in Williamson county. In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John T. Davis, his associates, heirs and assigns, be and they are hereby authorized to construct and build a mill-dam across the Saline creek, on the south-east fourth, of the south-east quarter, of section eleven, township ten south, of range four, east of the third principal meridian, in Williamson county. This act to take effect and be in force from and after its passage. J. T. Davis
authorised to
build a mill
dam across
Saline creek

APPROVED, February 23d, 1843.

AN ACT to authorise Isaac Gordon to build a mill-dam.

In force,
Feb. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Isaac Gordon be and he is hereby authorised to build and continue a mill-dam across the Little Wabash river, on the south-east quarter of the north-east quarter of section twenty-nine, in township six north of range six, east of the third principal meridian, in Effingham county; *Provided*, that the right hereby given does not interfere with the rights of any other person that may have been heretofore authorised to build a mill-dam across said river. Isaac Gordon
authorised to
build a mill-
dam across
Little Wa-
bash

Manner of
construction

SEC. 2. The said dam shall not exceed five feet high from the bed of the said river, and shall be constructed so as to allow the safe passage of the descending navigation of said river.

SEC. 3. The State hereby reserves the right of constructing a lock, cut, sluice, or other device, for the transit of the trade on the river, over, around, or near the site of the said dam, whenever it may be deemed advisable by the Legislature, for the improvement of the navigation of said river, without any charge or cost to the State for the right of way, by the said Isaac Gordon, his successors or assigns; *Provided*, the said Isaac Gordon, his heirs or assigns, shall be the owner of the lands on both sides of said river where the said dam shall be built.

APPROVED, February 28th, 1843.

In force,
Mar. 2, 1843.

AN ACT to authorise Alexander Johnson to build a mill-dam across the Little Wabash River.

Mill-dam a-
cross the Wa-
bash river

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Alexander Johnson be and he is hereby authorised to build a mill-dam across the Little Wabash river, in Clay county, on the north-east quarter of the north-east quarter of section ten, in township three north, of range seven east.

How con-
structed

SEC. 2. The said mill-dam shall not exceed six feet high from the bed of the river, and shall be so constructed as to allow the safe passage of the descending navigation on said river; *Provided*, he shall own the land on both banks of the river, and shall not interfere with individual rights and privileges.

State may
construct a
lock

SEC. 3. The State hereby reserves the right to construct a lock, or some other device for the transit of the trade on the river, over, around, or near the site of said dam, whenever it may be deemed advisable by the Legislature, for the improvement of the navigation of said river, without any cost to the State for the right of way, by said Alexander Johnson.

Time of com-
pleting same

SEC. 4. Said Alexander Johnson, in order to secure the benefit of this act, shall have said mill-dam completed, and a mill in operation in two years from the passage of this act.

APPROVED, March 2d, 1843.

In force,
Mar. 2, 1843.

AN ACT to authorize John Vanfleet to build a dam across Fox river.

John Van-
fleet may
build a mill-
dam across
Fox river

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John Vanfleet, his heirs and assigns, be and he is hereby authorized to construct, build and continue a mill-dam across Fox river, at and on sections nine and ten, in township thirty-eight north, range eight, east of the third principal meridian, in the county of

Kane, to the height of not exceeding five feet above low water mark; *Provided*, that said grant shall not be construed so as to prevent the State from improving said Fox river at the place, by dams, locks, or in any other mode, at any time hereafter, for the purpose of slack water navigation or otherwise. This act to be in force and take effect from and after its passage.

APPROVED, March 2d, 1843.

AN ACT authorising the erection of a mill-dam across Rock river.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William Talcott, Darius Adams, George Stevens, and their associates, be and are hereby authorised to build a dam across Rock river, not exceeding three feet in height above low water mark, on the southwest quarter of section number thirteen, in township number forty-six north, and range number one, east of the third principal meridian, in the county of Winnebago; *Provided*, that the proprietors of said dam shall erect and keep in repair a lock or apron in the same, of such construction as to render the passage safe and easy for boats and rafts common in Rock river, and shall allow the same to pass and re-pass free from charge at all times during the continuance of said dam.

Mill-dam across Rock river

APPROVED, March 3d, 1843.

AN ACT to authorise John W. Smith, Benjamin B. Brown, Abijah Smith, and Charles McClure, to build a dam across Fox river.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John W. Smith, Benjamin B. Brown, Abijah Smith, and Charles M'Clure, their heirs and assigns, be and they are hereby authorised to construct and build a mill-dam across Fox river, at the town of McHenry, in the county of McHenry, from lots one and two, three and four, of block twenty-seven, on the west side of Fox river, to lots one, two, three, and four, of block nine, on the east side of said river, to the height of five feet above low water mark; *Provided*, said grant [dam] shall not be constructed so as to prevent the State from improving said river at that place at any time or manner that may be deemed proper. This act to take effect from and after its passage.

Mill-dam across Fox river

APPROVED, March 3d, 1843.

AN ACT to authorise the building of a mill-dam across the Little Wabash river, in White county.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Price H. Howell and John

Certain persons may build a mill-dam across the Little Wabash river in White co.

Hodgson, and their associates, be and they are hereby authorised to build a mill-dam across the Little Wabash river, on the south-west fourth of the north-east quarter of section twenty-one, in township three south of range ten east, in White county, *Provided*, the said Price H. Howell and John Hodgson, and their associates, shall be the owners of the land on both sides of the river.

How constructed

SEC. 2. Said mill-dam shall not be more than twelve feet high from the bed of the river, through which a good and sufficient lock shall be constructed, and made ninety feet long and twenty-five feet wide, to admit of the safe passage of all boats ascending and descending said river, and the said lock shall at all times be kept in good repair, and the said Howell and Hodgson, or assigns, shall open the same for the speedy passage of all boats or crafts, upon application being made, free of any charge whatever; and upon failure to comply with the foregoing provisions contained in this act, the said Howell and Hodgson, and associates or assigns, shall be liable for all damage that may be sustained by reason of such omission or neglect, to be recovered before any court having competent jurisdiction.

To be erected in four years

SEC. 3. The said Price H. Howell and John Hodgson, and their associates, shall be allowed the term of four years from the passage of this act to erect said mill-dam and lock; *Provided*, that said lock shall be first constructed in order that the navigation of said river may not be obstructed during the erecting of said dam.

APPROVED, March 3d, 1843.

In force, Mar. 4, 1843.

AN ACT to authorise William T. Ryburn and Bird T. Ryburn to erect a mill-dam across Big Muddy river.

Mill-dam across Big Muddy

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William T. Ryburn and Bird T. Ryburn, their heirs or assigns, are hereby authorised to erect a mill-dam across Big Muddy river, on the north-west quarter of section twenty, in township eight south of range one, east of the third principal meridian, in the county of Williamson; *Provided*, said mill-dam shall not exceed nine feet in height, and may hereafter be regulated by the Legislature; *Provided, however*, that this act shall not be construed to authorise any obstruction to the free navigation of said river; *And provided further*, that in case any injurious consequences shall result to the navigation of said stream, by the construction of the contemplated dam, as recited by this act, the proprietors of the same shall in all respects be liable to the extent of the injury resulting therefrom; any thing in this act to the contrary notwithstanding.

APPROVED, March 4th, 1843.

AN ACT to amend an act entitled "an act regulating mills and millers," In force,
approved February 7th, 1827. Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the penalties under the provisions of an act entitled "an act regulating mills and millers," approved February ninth, one thousand eight hundred and twenty-seven, may be sued for and recovered before any justice of the peace of the county where such penalties are incurred. This act to take effect and be in force from and after its passage. Penalties may be sued for

APPROVED, March 3d, 1843.

AN ACT to change the names of Lavina Joliff and Hannah Clark. In force,
Jan. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Lavina Joliff be and the same is hereby changed to that of Lavina Phelps, and in and through that name she may contract and be contracted with, sue and be sued, plead and be impleaded, and appear in all the courts of law and equity in this State. Name of Lavina Joliff changed to Lavina Phelps
Be it further enacted, That the name of Hannah Clark, of the county of Hancock, be and the same is hereby changed to that of Hannah Bedell, and by that name she may contract and be contracted with, plead and be impleaded, sue and be sued, and appear in all the courts of law and equity in this State. Name of Hannah Clark changed to Hannah Bedell

APPROVED, January 24th, 1843.

AN ACT to change the name of Lucy Robinson. In force,
Feb. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whereas, Paul Sullivan has adopted Lucy Robinson as his daughter, in her early infancy, the name of the said Lucy Robinson be and is hereby changed to that of Lucy Sullivan, by which latter name she shall hereafter be called and known. Name of Lucy Robinson changed to Lucy Sullivan

SEC. 2. This act to be in force from and after its passage.

APPROVED, February 3d, 1843.

AN ACT to change the name of the person therein named. In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Elvira Pease, of the county of Schuyler, be and the same is hereby changed to that of Elvira Horney, and by the name of Elvira Elvira Horney

Horney shall sue and besued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all other places and by the name of Elvira Horney, make all contracts of whatsoever character, name, or description; *Provided*, that nothing herein contained shall affect any right, legal or equitable, which she might have or acquire in the name of Elvira Pease.

APPROVED, March 1st, 1843.

In force, Mar. 3, 1843. AN ACT to establish the name of William Carroll Mitchell, and others.

Preamble WHEREAS, William Carroll Mitchell was known by the name of William Carroll Asky before he came to the years of maturity, but since he has come to the years of maturity he has transacted all of his business in the name of William Carroll Mitchell; therefore,

Name of Wm. Carroll Asky, changed to Wm. Carroll Mitchell. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That he shall be known by the name of William Carroll Mitchell, and by that name he is hereby declared able and capable in law to purchase, hold, grant and convey real and personal property, and to sue and be sued, and to do all other acts as fully and effectually as though he had never been known by the name of William Carroll Asky. This act shall not be so construed as to affect any business transacted in the name of William Carroll Asky, if any.

Name of Patterson and Jonathan McLean changed to Patterson and Jonathan McLean Clark. SEC. 2. That Patterson McLean and Jonathan McLean, two orphan children, and adopted by Thomas P. Clark, shall hereafter be known and called by the name of Patterson McLean Clark and Jonathan McLean Clark, and by those names may severally purchase and hold real estate and personal property, and do and perform all other acts as fully as if their names had not been changed. This act to take effect from and after its passage.

APPROVED, March 3d, 1843.

In force, Mar. 4, 1843. AN ACT to provide for the regulation of the penitentiary.

Auditor to pay Dorsey & Greathouse \$555 00. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Auditor of Public Accounts be and he is hereby authorized and required to draw his warrant on the Treasury in favor of Dorsey and Greathouse for the sum of five hundred and fifty-five dollars and sixty-seven cents, in full for receiving and distributing arms received from the United States, and for labor done, and materials furnished, in building shops within the penitentiary yard, all of which is fully set forth in the report of the

inspectors of the penitentiary, of the fifth December, one thousand eight hundred and forty-two, in bills numbered two and three in said report.

SEC. 2. The inspectors of the penitentiary are hereby authorized to dispose of the depreciated bank paper in their hands at its current value; *Provided, however,* they shall not dispose of the same at a greater discount than fifty per cent.

Inspectors of penitentiary may dispose of depreciated money

APPROVED, March 4th, 1843.

AN ACT in relation to the penitentiary.

In force,
Mar. 2, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons sentenced to hard labor or solitary imprisonment and hard labor, shall be imprisoned, restrained, and employed in and within the precincts of the penitentiary, located at the city of Alton, in the county of Madison; and the court before whom any such conviction may be had, are hereby authorised and empowered by their order on the sheriff of the county where such conviction is had, to cause all such convicts, as soon as conveniently may be after sentence, to be removed from the jail of such county, to the said penitentiary; and the sheriff of the county in which such conviction may be had is hereby authorised and required, by himself or his deputies, to remove such convicts to the penitentiary accordingly, and deliver such convict into the custody of the warden, or other officer, who may have charge of said penitentiary; and the said sheriff, or his deputies, shall have all the power of sheriffs and deputies in all counties in this State, which they may enter into or pass through for the purpose of conveying such convicts to the penitentiary aforesaid; and it shall be the duty of the clerk of the court before whom such conviction may be had to make out and deliver to the sheriff of the county a copy of said conviction and judgment and order thereon; and the said sheriff or deputy shall have an attested copy thereof, with a copy of his return thereon with the warden or other officer having the charge or custody of said penitentiary, and the sheriff shall make due return to the court of their said order.

Convicts to be imprisoned in the penitentiary

Sheriffs to convey convicts to penitentiary

Duty of clerk

SEC. 2. That it shall be the duty of the sheriff of the county where the conviction was had, to employ a sufficient force to guard all convicts to the penitentiary, and the sheriff shall be responsible for the safe delivery of such convicts. A failure to deliver the same shall be a breach of duty in the official conduct of such sheriff, for which he may be indicted in any county, as in other cases of mal-conduct in office. The said sheriff shall be allowed thirty cents for each mile necessarily travelled in going to the penitentiary with each convict when taken separately, but when more than one convict shall be sentenced to the penitentiary at the same term of the court,

Sheriff may employ force

And be indicted for a failure

His compensation

twenty-five cents per mile shall be allowed for the second, and the same compensation for any greater number of convicts sentenced at the same term of the court, to be paid out of the the State treasury, on the warrant of the Auditor, which shall be issued in favor of such sheriff, on the presentation of the warden's certificate that such convict or convicts had been delivered into his custody by such sheriff, and which shall be in full compensation for all charges and expenses of himself and guards, in conveying such convict or convicts to the penitentiary.

Duties of the warden

Convicts not to leave the prison or yard except in certain cases.

Proviso

And in the event of contagious diseases

Penalty for violation of this act!

SEC. 3. That it shall be the duty of the warden or officer having charge or custody of said penitentiary to receive such persons as may be convicted, sentenced, and ordered to be imprisoned in said penitentiary, and them safely keep at hard labor, or solitary confinement and hard labor, within the precincts of said penitentiary, pursuant to their sentence, until their time shall fully expire, or they be otherwise discharged by by due course of law. The said warden or officer having charge or custody of said penitentiary and the convicts therein confined shall not, under any circumstances whatever, permit, or suffer any convict to leave the prison or yard connected therewith for any purpose whatever, excepting in working in the stone quarry belonging to the State and connected with said prison, at such times as addition may be making to the prison buildings or walls connected therewith; and in assisting in the conveyance of articles manufactured in the prison to the landing in front of the penitentiary, and in the unloading of boats of such articles and materials as may be intended for the use of the penitentiary, and in the conveyance of any such articles to the same; *Provided, however,* that in case of any accident happening to the prison, or the walls thereof, the inspectors may permit and direct the removal of the convicts confined therein, or any part of the same, to any other place of security for such length of time as they may deem necessary, or until such repairs shall be made to said prison; and in the event of any contagious disease breaking out among the convicts in said prison, the inspectors may, if they deem it necessary, order and direct that such diseased convict or convicts be removed to some safe and secure place, where they shall receive such medical treatment and nursing as their circumstances may require; and as soon as their health will permit, and the safety and health of the other convicts will not be endangered thereby, said convicts shall be returned to their confinement in said prison, to serve out their time pursuant to their sentence.

SEC. 4. That if at any time the warden or officer having charge of said penitentiary, and the convicts confined therein shall violate any of the provisions of the foregoing section of this act, such officer shall, on conviction, be fined in a sum not less than five nor more than eight hundred dollars for each and every violation, and the judge of the second judicial circuit

shall give this act in charge to the grand jury, at every term of the circuit court of Madison county.

SEC. 5. That if at any time the lease of the present or any future lessee or lessees of the penitentiary shall be abandoned, surrendered, or become forfeited on account of the violation of any of the provisions of this act, or from any other cause, or if the time shall have expired for which said lease was made, then in that event the inspectors of said penitentiary shall lease the same for a term not exceeding six years, under such restrictions and requirements as is provided for in the act in relation to the penitentiary, approved March 2d, 1839. Notice of the time and place of such letting shall be published for four weeks in the paper printed by the public printer, and in one of the papers printed in the city of Alton. and city of St. Louis, Mo., which shall have the greatest circulation.

Duty of inspectors on the expiration of any lease

SEC. 6. That the bonus or amount for which the penitentiary has been or may hereafter be leased, shall be expended under the direction of the inspectors, in the erection of additional cells and other improvements to said penitentiary. All such additional cells and other improvements shall be constructed in the most economical manner, and on such plans as the inspectors may deem best suited to the wants of the prison, having a due regard to the limited resources at their command; and the said inspectors are hereby authorised and empowered to take and use any railroad iron or timber belonging to the State, now at the city of Alton, or in its vicinity, that may be useful in the construction of cells, making of doors, grates, or such other improvements as may be by them considered necessary and useful. And to enable the inspectors to provide for the safe keeping of the convicts in the present emergency, the sum of five thousand dollars is hereby appropriated, to be expended by said inspectors in the erection of cells and making such other improvements as cannot well be dispensed with; and the Auditor of Public Accounts is hereby authorised to draw his warrant in favor of said inspectors on the treasury for that sum, when applied for by them.

Funds derived from leases how expended

Appropriation to inspectors

SEC. 7. That the using of the lash in the infliction of punishment upon convicts is hereby expressly forbidden, (unless sanctioned and ordered by the inspectors,) and it shall be their duty to examine into all disorderly conduct of the convicts, when requested by the warden, and when it shall appear that any convict has been disorderly, refractory, or disobedient, they may order such corporeal punishment as they may deem necessary to enforce obedience, not inconsistent with humanity.

Corporal punishment not to be inflicted unless sanctioned by inspectors

SEC. 8. The act entitled "an act to amend an act entitled an act relative to criminal jurisprudence," approved January 26th, 1827; and to provide for the regulation and government of the penitentiary, approved February 15th 1831; also "an act to regulate the compensation of sheriffs for conveying con-

Certain acts repealed

victs to the penitentiary," approved March 2d, 1839, be and the same are hereby repealed.

Duty of Sec.
of State

SEC. 9. This act to be in force from and after its passage; and the Secretary of State is hereby required to make and transmit a certified copy of the same immediately after its approval, to the inspectors of the penitentiary.

APPROVED, March 2d, 1843.

In force,
Feb. 20, 1843.

AN ACT in relation to a poor house in Jersey county.

Counties au-
thorised to
appropriate
money for the
erection of
poor houses

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Jersey county, or any other county in this State, may, if they shall at any time hereafter deem it to the interest of said county, appropriate out of any fund appropriated to said county for any purpose, or other money belonging to said county, any sum not exceeding two thousand five hundred dollars, for the purpose of purchasing a farm, and erecting thereon suitable buildings for a poor house for said county, as contemplated by an act to amend an act entitled "an act for the relief of the poor," approved February twenty-first, one thousand eight hundred and thirty-nine.

SEC. 2. This act shall be in force from and after its passage; any law to the contrary notwithstanding.

APPROVED, February 20th, 1843.

In force,
Feb. 21, 1843.

AN ACT to revive an act to provide for settlers on lands purchased by the State.

Right of pre-emption granted to settlers on lands of State

Manner of proving pre-emption

SEC. 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That any person having become an actual settler on any forty or eighty acre tract of the State lands, selected under the internal improvement system previous to the entry of said land by the State, he or she shall be entitled to the right of pre-emption to any such tract or tracts not exceeding eighty acres, extending to the period of three years from the passage of this act, at the price of one dollar and twenty-five cents per acre, with six per cent. interest from the date of entry by the State; *Provided,* that such settler shall file his claim, within three months from the passage of this act, with the Auditor of Public Accounts, authenticated by affidavit before some person having authority to administer oaths under the laws of this State, particularly and accurately describing such tract or tracts of land, and that said settler had settled on the same previous to the entry of the same by the State.

APPROVED, February 21st, 1843.

AN ACT relative to probate justices of the peace.

In force,
Feb. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the probate justice of the peace of any county of this State may resign his office by tendering a written resignation thereof to the clerk of the court of county commissioners of the county. Probate justices may resign their offices

SEC. 2. Any vacancy which may have occurred, or which shall hereafter occur, in the office of probate justice of the peace, may be filled by a special election, according to the laws of this State applicable to such election. Vacancy how filled

SEC. 3. Any election of a probate justice of the peace which may have been held before this act shall take effect, to fill any vacancy in the office, whether such vacancy shall have happened by resignation or otherwise, shall be as valid and effectual as if this act had been in force at the time of the occurring of such vacancy and election. Election confirmed

SEC. 4. All decrees, judgments and official acts which may have been made, rendered, or done by any probate justice, whose election is confirmed by the last preceding section of this act, shall be as valid and effectual in law as if this act had been passed previous thereto. Acts of probate justices confirmed

SEC. 5. Probate justices of the peace shall hereafter have the same power to take and certify acknowledgments and proofs of deeds and other instruments, and to take affidavits and administer oaths, that ordinary justices of the peace have, and all acknowledgments and proofs of deeds and other instruments, and certificates thereof, and all affidavits and oaths, which have hitherto been taken or made by or before any probate justice of the peace in this State, shall be as valid and effectual as if this act had passed previous to the taking or making of the same. Powers of probate justices

SEC. 6. This act shall take effect from the day of its passage.

APPROVED, February 1st, 1843.

AN ACT to legalize the acts of certain officers therein named.

In force,
Feb. 2, 1843.

WHEREAS, John Bainbridge was elected in the month of September, 1839, to the office of probate justice of the peace, clerk of the county commissioners' court, and county recorder in and for the county of Williamson, and State of Illinois, who took upon himself the duties of said offices and continued to execute the same until some time in the month of May, 1840, when he resigned his said offices; and whereas, Elijah McIntosh was elected in the said month of May, 1840, to fill the vacancy of said Bainbridge, resigned, who took upon himself the duties of the said office of probate justice of the peace, clerk of the county commission- Preamble

ers' court, and county recorder, in and for said county of Williamson, and continued to execute the same for some time; and whereas, it appears that neither John Bainbridge nor Elijah McIntosh was duly qualified and commissioned, as is and was required by the laws of the State of Illinois in such cases made and provided; now therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular the acts of the said John Bainbridge and Elijah McIntosh as such probate justices of the peace, clerks of the county commissioners' court, and county recorders, in and for the county of Williamson aforesaid, be and they are hereby declared legal and binding to all intents and purposes, both at law and in equity, as if the said John Bainbridge and Elijah McIntosh had been duly qualified and commissioned as is and was required of the laws of the State of Illinois in such cases made and provided. This act to be in force from and after its passage.

APPROVED, February 2d, 1843.

Acts of probate justices, clerks and recorders of Williamson co. legalized

In force, Jan. 6, 1843. AN ACT entitled "an act regulating the sale of property on judgments and executions."

Property levied upon to be appraised

Appraisers how selected

To be sworn

How valued

Not to be sold for less than two-thirds

Plaintiff may elect property to be levied on

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when any execution, fee bill, or attachment, shall be issued out of the courts of this State, whether of record or not, and shall be levied on any real or personal property, or both, it shall be the duty of the officer levying such execution to summon three disinterested householders of the vicinity where such property is levied on, one of whom may be chosen by the defendant in execution, and one by the plaintiff, the other by the officer; *Provided*, in all cases where either or both parties shall fail, refuse, or neglect to make such choice, or in case of a choice, if such appraisers shall fail, refuse, or neglect to make such appraisement, then it shall be the duty of such officer to choose or summon such householders for them, when the said officer shall administer an oath to them well and truly to value all such property as may be by him pointed out to them at its fair and reasonable value in ordinary times, and they, or a majority of them, shall make out a list of said property so valued by them, annexing the valuation of each article, or species of property thereto, and sign the same, which list shall be annexed to the execution; and when such property shall be offered for sale it shall not be struck off unless two-thirds of the valuation thereof shall be bid for the same; *Provided always*, the plaintiff in execution may elect on what property he will have the same levied, except the homestead on which the defendant resides, which shall be last taken in execution,

and in all other executions issued from any courts, not of record, the plaintiff may elect on what personal property he will have the same levied, excepting and reserving, however, to the defendant in execution, in all cases, such an amount and quantity of property as is now exempt from execution by the laws of this State; *And provided further*, that all sales of mortgaged property shall be made according to the provisions of this act, whether the foreclosure be by judgment, decree in chancery, or otherwise; also, all sales by commissioners, masters in chancery, or other persons acting by authority of any of the courts of this State, shall be made in strict conformity to this act; *Furthermore*, the provisions of this act shall extend to all contracts, judgments, deeds of trust, and mortgages wherein the mortgagee has reserved the right to sell the mortgaged premises, executions and debts of every kind and character which now exist, or may hereafter be made, excepting however, those which are made in default as a public officer, executor, administrator, or guardian, or while acting in any other fiduciary capacity; *Provided furthermore*, in all cases where any person, or persons may now be, or hereafter become indebted to any school commissioner or trustee, or treasurer of any school funds, and such person shall fail to pay the interest thereon, or after having been notified, shall neglect, fail, or refuse to renew his or her note, with additional security, as is now provided by law, then in such case the property shall be subject to sale without the benefit of the provisions of this act; but in all cases the debtor shall be allowed to stay the collection of the principal of any sum of money in any way due to the school fund by giving good and sufficient security, and by paying the interest and cost thereon punctually as it becomes due, whether judgment has been obtained thereon or not; *Provided*, that in all cases in which the property offered, or to be offered for sale, has been decided by the proper court to have been fraudulently conveyed by the execution debtor to avoid paying his debts, the same shall be sold without valuation.

SEC. 2. When any real or personal property shall be levied on and appraised in the manner prescribed by this act, and the same shall be susceptible of division, no greater quantity thereof shall be sold than is sufficient to pay the debt and proper costs thereon in accordance with the valuation, and when any execution shall be levied on any house, or houses, lot, or lots, or other real estate situated in any city, town, or village, or elsewhere, not susceptible of division, the officer, at the request or direction of the plaintiff, shall proceed to offer for sale such an interest in said property as will satisfy the debt and costs, and in case of sale the purchaser shall become tenant in common in said property; *Provided*, that in case of the sale of any real estate the same rights of redemption shall enure to the defendant and judgment creditors as is now pro-

Sales of mortgaged property to conform to this act

This act applicable to deeds of trust &c.

Exception

Debts due school fund may be staid

Property fraudulently conveyed to be sold without valuation

No more property to be sold than will pay debt

An interest in property may be sold

Tenants in common

vided by law; any thing in this act to the contrary notwithstanding.

Second execution how issued

SEC. 3. Whenever any execution, issued by any of the courts of this State, whether of record or not, and the same shall have been levied and the property, whether real or personal, fails to sell, there shall no other execution issue, or costs accrue thereon (for the same debt) for twelve months, except at the expense of the plaintiff.

Property not sold to be re-delivered to defendant

SEC. 4. Whenever any officer, or other person, offers for sale any real or personal property, and the same fails to sell according to the provisions of this act for the want of bidders, it is hereby made the duty of such officer to re-deliver said property to the defendant.

Personal property when sold

SEC. 5. All sales of personal property, made by virtue of any execution, order, or decree of any of the courts of this State, whether of record or not, shall be made at the residence of the defendant; *Provided*, he or she has a place of residence in the county where such process, execution, or decree exists; except the defendant otherwise requests; *Provided*, in all cases where the defendant fails to give the officer a delivery bond, in the manner now prescribed by the laws of this State, said officer in such cases may remove and sell said property where he may choose, subject to valuation.

Proviso

Pay of appraisers

SEC. 6. Any person or persons summoned to appraise any property under the provisions of this act, shall be entitled to twenty-five cents each for all sums where the judgment is one hundred dollars and under, and where said judgment exceeds one hundred dollars, they shall be entitled to fifty cents each, to be added to the costs of suit, and to be paid as other costs; and for failing to attend when summoned so to do, shall thereby forfeit and pay a fine not under one dollar nor exceeding three dollars, to be collected before any justice of the peace as other fines, and paid over to the county in the same manner; *Provided*, in all cases where any appraiser fails to attend and has a legal excuse, he shall not be fined.

Penalty for not attending

Act repealed

SEC. 7. All acts and parts of an act entitled "an act passed in the General Assembly of this State regulating the sale of property," approved February the twenty-seventh, in the year of our Lord one thousand eight hundred and forty-one, are hereby repealed. This act to take effect from and after its passage; *Provided furthermore*, it is made the special duty of the Secretary of State to transmit immediate to the clerks of the courts of the several counties in this State, twenty copies of this act for the use of each of said counties. This act shall

Duty of Sec. of State

Limitation of act

extend only to contracts made before the first day of January, in the year of our Lord one thousand eight hundred and forty-three, and to all bonds, notes, and other securities which may hereafter be given to renew or secure the payment of debts existing before that time.

SEC. 8. Whenever a judgment shall hereafter be rendered on any contract bearing date after the first day of January,

one thousand eight hundred and forty-three, it shall be competent for the defendant to file his affidavit stating that such contract was made in renewal of a previously existing debt, which fact may be denied by any party to the contract by his affidavit, if he alleges the same to be untrue; and either party may produce such other affidavits as he may think necessary in relation to the facts, and if, on hearing the motion, the court shall decide that the contract sued on was made to renew a previously existing debt as aforesaid, the court shall direct that an endorsement to that effect shall be made on the execution, and such execution shall be subject to the provisions of this law. This act shall continue in force three years from and after its passage.

Contracts in renewal of old debts subject to this act

Endorsement on execution.

APPROVED, January 6th, 1843.

AN ACT to amend the several laws in relation to the trial of the right of property before justices of the peace. In force, June 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter in trials of the right of property taken on execution, attachment, or other process, by constables, the number of jurors shall be six instead of twelve, unless all the parties to the trial shall agree upon a larger number, not exceeding twelve, in which case the number agreed on shall constitute the jury; *Provided,* that either party shall have the right to require twelve jurors upon advancing the additional costs and fees accruing in consequence of increasing the number over six, such additional costs and fees not being in any event chargeable against the other party. This act to take effect on the first day of June next.

In trials of right property six persons constitute the

Proviso

APPROVED, February 2d, 1843.

AN ACT to amend an act entitled "an act disposing of the public property in Vandalia," and for other purposes. In force, Feb. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the legal voters residing within the corporate limits of the town of Vandalia, at the annual election to be held as now provided by law, on the first Monday in April next, for the election of five trustees, to vote for or against a dissolution of the incorporation of the said town, and if a majority of the legal votes given shall be for a dissolution of the said incorporation, it shall be the duty of the present trustees of said town to cause the poll of said election to be deposited in the office of the clerk of the county commissioners' court of Fayette county; and it shall also be the duty of the said trustees to de-

Legal voters of Vandalia to vote for or against dissolution of incorporation

Duty of trustees &c.

Incorporation
when dissol-
ved

liver to the said clerk all the books, papers, notes, bonds, money, and property belonging to the corporation, in their possession, and thereafter the said incorporation shall be considered as dissolved.

No election
being held on
the 1st Mon-
day of April,
one may be
held at any
time after-
ward

SEC. 2. That in case no election shall be held on the first Monday in April next for trustees of said town, it shall be lawful for the trustees then in office to order an election to be held at any time thereafter, and publishing at least three printed or written notices thereof, twenty days before the day of election, at which election the legal voters may vote for or against a dissolution of the said incorporation, and if it shall appear that a majority of the votes given, shall be in favor of a dissolution, then the said trustees shall make return thereof, and deliver to the clerk of the county commissioners' court, all the books, papers, notes, bonds, money, and property belonging to the said incorporation in their possession, and thereafter the said incorporation shall be considered as dissolved.

Disposition of
property on
dissolution of
incorporation

SEC. 3. That whenever the said incorporation shall be dissolved in the manner provided in the two preceding sections of this act, all the rights of property and other powers vested in the president and trustees of the said town by the provisions of the act to which this is an amendment, shall become vested in the board of trustees of schools, in township six north of range one, east of the third principal meridian, who shall have and exercise the same powers as, by the act to which this is an amendment, were vested in the president and trustees of the said town, and it shall be the duty of the clerk of the county commissioners' court to deliver to them all the books, papers, notes, bonds, money, and property which shall be delivered to him as aforesaid; and it shall be the duty of the school trustees aforesaid to take charge of the same, and to have possession of the east end of the house on the public square, formerly used as a State House, and cause the same to be kept in repair, and used for school and such other purposes, as they may deem necessary for the interest of the inhabitants of said town; with this condition, that if at any time a county seminary shall be established in said county, the said east half of said house, or such part thereof as may be required, shall be used and occupied for that purpose, under the control and direction of the authority which may govern the said seminary.

Duty of clerk
of com'rs
court

Duty of
school trus-
tees

To vest funds
in library

SEC. 4. The school trustees aforesaid, after the dissolution of the town incorporation as aforesaid, shall have charge of the funds arising from the sale made by the town trustees of the property mentioned in the act to which this is an amendment, and shall vest the same in a library and such articles as they may deem necessary for the tuition of scholars in the schools which may be taught in the said building.

County to
cause public
square to be
enclosed

SEC. 5. The county commissioners' court of said county, after the dissolution of the said incorporation, shall cause the public square to be enclosed and used as at present and may

cause other useful buildings for the use of the county to be erected thereon as they may deem necessary, but never permit any of the public square to become private property. Square not to become public property

SEC. 6. The county commissioners' court of said county, after the dissolution of the said incorporation, shall have power to sell, convey, or otherwise dispose of lot number seven, in square number thirty-five, in said town which was appropriated by the act approved March fourth, one thousand eight hundred and thirty-seven, to the use of the trustees of said town, and apply the proceeds arising from the same in repairing the roof of the east end of the said former State House on the public square. Co. court authorised to sell a certain lot and apply proceeds

APPROVED, February 6th, 1843.

AN ACT to provide for the sale of public property and the payment of the public debt. In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Auditor of Public Accounts to take an account of all the lands owned by the State, or to which the State has any title in law or equity, and purchased with "internal improvement" moneys; all the lands donated to the State under an act of the Congress of the United States entitled "an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved September fourth, one thousand eight hundred and forty-one; also, all other lands and premises, railroads completed or in operation, and buildings and improvements, connected with the system of internal improvements, belonging to the State; *Provided*, that this act shall not be construed to extend to the canal, canal lands, or lots, or the water power of the canal, or to any railroads not finished or in operation, or to the rights of way held in connection with said roads, or to the lot or lots, and buildings thereon, and appurtenances thereunto belonging, situate in the city of Springfield, recently occupied as the central office of the board of public works, which shall be reserved for the use and residence of the Governor of this State; *Provided*, also, that the purchaser, or purchasers of the property and fixtures owned by the State at New Haven and Carmi, on the Little Wabash, shall be sold, reserving the right of navigation to the people of the State, but the said purchaser or purchasers of the aforesaid property at the aforesaid places shall be required to erect good and sufficient locks at the mill-dams, so as to admit the speedy and safe passage of boats and crafts of every description, free from charge or unnecessary delay; and for a failure to comply with the provisions of this act, it shall be a forfeiture of their purchase, and they shall be liable Auditor to take account of all lands owned by the State purchased with internal improvement moneys Proviso Reservation in sale of property at New Haven and Carmi

for all damages occasioned thereby, to be recoverable before any court of competent jurisdiction by the party aggrieved.

Auditor to enter an account of property

Gov. shall cause property to be appraised

Gov. to return appraisal to Auditor

Proviso

SEC. 2. It shall be the duty of the Auditor to enter said account of said property, real, personal, and mixed, in a book to be provided and kept for the purpose, and as soon thereafter as practicable, he shall furnish the Governor with a certified list of said property. The Governor, upon the receipt of said list, or at an early day thereafter, shall cause the said property to be appraised, and the appraised value of each specific article, parcel or quantity of said property, to be placed opposite the same, and shall return the said list and appraisal to the Auditor, who shall carefully enter the same in a book to be provided and kept for the purpose; *Provided*, that the said lands shall be appraised in such sub-divisions of quantity as the Governor may direct, and that the works of internal improvement, embracing roads, buildings, improvements, and water powers aforesaid, shall be separately appraised.

Auditor to prepare plat of lands &c.

SEC. 3. The Auditor shall prepare a general plat of the lands and premises aforesaid, with the lines of the said works marked thereon, which shall show the location, quantity, and value of said lands and premises, and said plat shall always remain open in the Auditor's office for public inspection.

Auditor to give notice of sale of property

SEC. 4. As soon as said appraisal shall be made as aforesaid and the Governor shall have returned the same to the Auditor, it shall be the duty of the Auditor to cause notice to be given, by publication in the two public newspapers at the seat of government, and such other papers in and out of the State as he may deem advisable, that the aforesaid property, real, personal, and mixed, will be offered for sale to the highest bidder, on some day, in said notices to be named, not less than six months after the date of said advertisement at Springfield, and that internal improvement bonds and scrip, and gold and silver, will be received in payment for the same.

State indebtedness received in payment

Gov. to cause property to be classified

SEC. 5. It shall be the duty of the Governor, before the day appointed for the sale of said property, to cause the same to be classified into articles, parcels and quantities. according to the nature of the case, by the Auditor; and on the day of sale the Auditor shall have power to call to his aid the Treasurer of the State, and under the supervision of the Governor, shall proceed to sell said property at public auction, in the city of Springfield, in articles, parcels, and quantities, according to said classification, and shall strike the same off to the highest bidder at or above the appraised value thereof; *Provided*, that the said property shall not, in any case, be sold for less than its appraised value; *Provided further*, that the Governor shall have power to dispose of all the personal property owned by the State in connection with the system of internal improvements, on such terms of sale, and at such place or places, as he shall deem most conducive to the interest of the State; any thing in this act to the contrary notwithstanding.

Sale to be at Springfield

Proviso

SEC. 6. The said sale shall be continued from day to day until the Governor shall order the same to be stopped, and all of said property remaining to the State, after said sale shall be closed; shall be subject to private purchase, and shall be sold by the Auditor, whenever thereafter the appraised value shall be offered for the same; and in case two or more persons shall apply at the same time for the purchase of any of said property, it shall be the duty of the Auditor to offer the same for sale to the highest bidder at or above the appraised value thereof.

Property remaining unsold subject to private sale at appraised value

Proviso

SEC. 7. The Auditor shall keep a correct and complete record of all sales made under this act, which shall describe the property sold, the price at which sold, the name of the purchaser, and the kind of funds received in payment; and in all cases of sale, if the amount of property sold is not equal to the amount of the liabilities of the State tendered in payment, it shall be the duty of the Auditor to take up such an amount of said liabilities as the case will permit, and endorse a credit upon the face of the excess tendered equal to the balance of the purchase money due the State, and in every such case, it shall be the further duty of the Auditor to register in his office, by their distinguishing marks, all such liabilities, with the amounts and dates of the credits endorsed thereon.

Auditor to keep record of sales

SEC. 8. It shall be the duty of the Governor to cause title patents to be issued to all purchasers of real estate under the provisions of this act, as in other cases, and to cause to be made, to all persons purchasing personal property, sufficient bills of sale, signed by himself, countersigned by the Secretary, and attested by the seal of State; *Provided*, that the real estate sold under the provisions of this act, and for which title patents shall be issued, shall not be taxed until the term of five years from and after the date of the sale of the said real estate shall have expired.

Patents to be issued to purchasers of real estate

Lands not to be taxed till five years after sale

SEC. 9. The expenses necessarily incurred in carrying this act into effect, shall be submitted to the Governor, and upon his allowance, shall be paid out of the contingent fund of the State; and the duties imposed upon the Auditor shall be performed by him as other duties of his office.

Expenses how paid

SEC. 10. It shall be the duty of all the officers named in this act to use every despatch in carrying this act into effect, consistent with the public interest, and the Governor and Auditor are hereby authorised to take any measures which may be necessary and proper, in order to the purposes of despatch, and the furtherance of the objects contemplated by this act.

This act to be carried into speedy effect

SEC. 11. The Northern Cross Railroad shall be sold subject to the lien created in favor of the bonds issued for the completion of said road; *Provided*, the depot lands at Cairo shall be reserved from sale, and the Governor is hereby authorised to lease the same upon such terms as he shall deem proper, to the occupants thereof, who shall have erected houses on the same, in

Northern Cross railroad to be sold subject to certain conditions

Further proviso

such parcels as he shall deem proper; *And provided further*, that the depot at Naples shall not be sold under the provisions of this act, but shall be leased or rented to the best interest of the State.

APPROVED, March 4th, 1843.

In force, Feb. 21, 1843.

AN ACT to provide for the receipt of the distributive share of this State of the proceeds of the sale of the public lands.

Gov. to receive distributive share of proceeds of public lands

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Governor of this State be and he is hereby authorised and empowered, by himself, or by his accredited agent, to receive from the treasury of the United States any and all sum or sums of money now due, or which may become due, to this State under the provisions of an act of the Congress of the United States of America, entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September fourth, one thousand eight hundred and forty-one, and to execute any needful and proper voucher therefor.

APPROVED, February 21st, 1843.

In force, Mar. 4, 1843.

AN ACT supplemental to the several acts defining the duties of the Public Printer.

1,000 copies of the Journals and Reports of each House to be printed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That until otherwise enacted there shall be printed for distribution under the direction of the Secretary of State, of the Journals of the House of Representatives, one thousand copies, of the Journals of the Senate, one thousand copies, and of the volume of Reports of both Houses, one thousand copies.

Compensation for printing

SEC. 2. That until otherwise enacted, the prices for public printing shall be as follows, to wit: for plain work, fifty-six and one-fourth cents per thousand ems; for figure work, eighty-four cents per thousand ems; and for rule and figure work, one dollar and twelve and a half cents per thousand ems, for composition; and fifty-six and one-fourth cents per token for press-work; for blanks, certificates, and circulars for the use of Legislature, and the several departments of State Government, one dollar for the first quire, and for each additional quire of the same kind ordered at the same time, seventy-five cents; excepting when said blanks contain so much rule and figure work as would demand an additional charge from journeymen for composition; in which case the public printer may make an advance of fifty per cent. on the charge of his journeymen as aforesaid; *Provided*, that the paper for such blanks, certificates, and circulars be furnished by the Public Printer at his own proper cost and charge.

SEC. 3. That the twelfth, thirteenth, and fourteenth sections of the act of 23d February, 1841, be and they are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

APPROVED, March 4th, 1843.

AN ACT in relation to the Kaskaskia and Mississippi Railroad Company. In force, Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the stockholders of the Kaskaskia Railroad Company be and they are hereby authorised and empowered to make a macadamized road, commencing at the Kaskaskia landing, on the Mississippi river, and running thence east to the town of Kaskaskia, in the county of Randolph, instead of a railroad, as is now authorised by said charter. Stockholders may make a certain road

SEC. 2. That the time specified in said Kaskaskia railroad charter, for the completion of said railroad, be and the same is hereby repealed. Time for completion repealed

SEC. 3. That a failure to hold the annual meetings of the members of said company, shall not work a forfeiture of said charter; and the directors shall hold their offices until others are elected and qualified to fill their places; but in case of default of the annual meeting being held on the day specified in said charter, the meeting may be held on any other day, by giving at least ten days notice of the time and place of such meeting. This act to take effect from and after its passage. Failure to hold meetings annually not to operate as a forfeiture

APPROVED, March 3d, 1843.

AN ACT to provide for the completion of the Northern Cross Railroad. In force, Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Philo Hale, Isaac C. Pugh, John B. Watson, James Ray, John Tinbrook, James McReynolds, E. B. Hale, George Merrick, William Knox, Isaac Sodonsky, Samuel Frazier, jr., Henry L. Ellsworth, Arnold Naudain, John Grigg, Loughborough, James F. Reed, Samuel Grubb. and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Northern Cross Railroad and Transportation Company." Northern Cross railroad & Transportation Company

SEC. 2. Said company may have and take the line of the Northern Cross Railroad, as surveyed and located by the State, from Springfield, in Sangamon county, to Decatur, in Macon county; thence to Sidney, in Champaign county; thence to Danville, in Vermilion county; thence to the eastern line of the State, together with all appurtenances thereunto belonging, such as culverts, bridges, abutments, piers, materials Company may take said road from Springfield to Indiana State line

now on the line of said road, right of way, and all other purchases made by the State on the line of said road, and to be used in the construction and completion of said road, together with that part of the line of said road lying within the limits of the State of Indiana, and between the State line and the Great Wabash river, opposite the town of Covington, Indiana, together with all and singular the property thereunto belonging, so far as the State may possess the right to transfer the same.

Value of work and materials to be estimated and sold for State indebtedness SEC. 3. The Governor of this State is hereby authorized and required to appoint one or more competent persons to estimate the present value of any work done at the expense of the State on the said road; also, of materials, lands, or right of way, and whatever sum shall be agreed upon as the value thereof, shall be paid, or secured to be paid for, by the company in the bonds or other indebtedness of the State any time before said company shall take possession of the work.

Capital stock SEC. 4. The capital stock of said company shall consist of ten thousand shares of one hundred dollars each, with the privilege of increasing the number to fifteen thousand shares in the whole; and the immediate government and direction of the affairs of said company shall be vested in five directors, who shall be chosen by the stockholders and appointed as hereinafter provided, who shall hold their offices for one year, and until others shall be duly elected and qualified to take their places as directors, a majority of whom shall form a quorum to do business, shall elect one of their number president and appoint a clerk, who shall be sworn to a faithful discharge of his duties, and shall also appoint a treasurer, who shall give bond to the company, with securities, to the satisfaction of the directors.

Officers

Capital stock how taken SEC. 5. The capital stock of said company may be subscribed and paid for, either in money, lands, labor, or materials, in the following manner, to wit: The subscribers to the capital stock shall, at the time of subscribing, designate in which payment is to be made, whether in money, lands, materials, or labor; and if in money, he shall, at the time of subscribing, pay into the hands of some one of the directors five dollars on each share by him subscribed, and said director, upon the receipt thereof, shall issue a stock receipt to said subscriber for the same. If the stock be subscribed in land, the subscriber shall, at the time of subscribing, execute to the company a title bond for the land so subscribed, which title bond shall particularly designate and describe the lands intended to be conveyed to said company, as also the conditions and terms upon which said title bond is given; no lands shall be subscribed to said stock at a greater value or rate than one dollar and twenty-five cents per acre. If subscription be made in labor or materials the subscriber shall enter into good and sufficient security for the faithful performance of his contract.

SEC. 6. It shall and may be lawful for any one of the persons named in the first section of this act to open books to the capital stock of said company at any time and place he may deem advisable and most likely to secure the construction of said road. Book to be opened to receive subscriptions of stock

SEC. 7. As soon as one hundred thousand dollars of said capital stock shall be subscribed for in cash, (and ten per cent thereon paid in) lands, materials, or labor, the persons named in the first section of this act, or any two of them, shall notify the stockholders to meet at some point on the line of said Northern Cross Railroad, to be designated by them, for the purpose of electing five directors of said company, which notice shall be given at least six weeks prior to the time of meeting, and shall be given by advertisement published in one of the newspapers printed at the seat of Government of this State. Directors to be elected

SEC. 8. The manner of voting at elections held by said company shall be fixed by the by-laws of said company, as also, the place and time of holding their annual meetings; *Provided*, that each stockholder shall be entitled to one vote for each share of stock owned by him, and which may be given either in person or by proxy. Manner of voting at elections

SEC. 9. So soon as the directors of said company shall be elected, and they shall have appointed a treasurer and clerk, the subscription books, together with all moneys and papers belonging to said company, shall be delivered over to said directors. Subscription books to be delivered to directors

SEC. 10. If the General Government shall at any time hereafter donate to this State any lands for the completion of said Northern Cross Railroad, the same shall immediately thereafter be conveyed by the Governor of this State, in fee simple, to the said company, to be by them appropriated exclusively towards the completion of said road. Donation by General Government

SEC. 11. The directors shall have power to employ an engineer or engineers, and all other officers necessary to carry on the work on said road, making such allowance of pay as shall be reasonable and just, and shall have full power to make all necessary contracts for the prosecution of the work on said road. Powers of directors

SEC. 12. Whenever one hundred thousand dollars shall be subscribed for, as hereinbefore provided for, to the capital stock of said company, and *bona fide* transferred to said company, the directors of said company shall be empowered to make contracts for the construction of said road; and shall have the power and right to issue in payment for work and materials, certificates of land scrip upon each forty acres of the lands invested as capital stock. Each certificate shall particularly describe the forty acres upon which the same is issued, and shall entitle the holders to a deed for the same. May make contracts for work

SEC. 13. The company may, at their election, put down a double or single track, and of iron or wood.

Animal or
steam power

SEC. 14. It shall be discretionary with said company to use steam or animal power in transportation on said road.

Bridges and
culverts

SEC. 15. It shall be competent for said company to establish such grade and adopt such plan in the construction of bridges, culverts, and embankments, as they may deem most advantageous.

Location may
be changed

SEC. 16. It shall and may be lawful for said company to make such changes in the present location of said road, as they may deem expedient and calculated to promote the success of the work, and the interests of the stockholders.

Rates of toll
increased

SEC. 17. The rates of toll may at any time be increased by the Legislature of this State, with a view of raising revenue.

When to be
commenced
& completed

SEC. 18. The company shall commence work within two years from the time they shall elect directors, and shall expend ten thousand dollars within one year thereafter, and fully complete said road within ten years.

Account of
costs to be
kept

SEC. 19. The said company shall procure a well bound book, wherein they shall cause to be entered a correct and exact statement of the cost of constructing said road and other disbursements, together with all accruing receipts from tolls and otherwise, an abstract of which statement shall be submitted to the Governor on or before the first day of December in each year.

Damages to
be paid to
owners of
land

SEC. 20. The said company shall be holden to pay all damages that may arise to any person or persons, corporation or corporations, by taking of lands and materials for the said railroad, when it cannot be obtained by voluntary agreement, to be estimated and recovered in the manner now provided by law for the recovery of damages happening by laying out public roads and highways.

State may
purchase
road

SEC. 21. The State of Illinois, on the faith of the State, shall be at liberty at any time before or after the completion of the said road, to advance to said company all such advances and expenditures as they may have made for its construction, exclusive of land donated by the General Government, with six per cent. interest per annum, and complete, and possess, and govern the same, free from the claim of said company or their assigns.

Stockholders
individually
liable for
debts of the
company

SEC. 22. That the stockholders hereby incorporated shall be liable in their private capacity, and individual property, for all debts contracted by said corporation, and the Legislature may repeal, alter or modify the same upon any departure from, or violation of the provisions of this act.

APPROVED, March 6th, 1843.

AN ACT to extend the time for the completion of the Illinois and Rock river Railroad. In force,
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time limited by the twentieth section of the act, approved February the twenty-seventh, one thousand eight hundred and forty-two, for the construction of a railroad from La Salle to Dixon, shall be extended until five years after the final completion of the Illinois and Michigan Canal, and that the Illinois and Rock river Railroad Company shall be authorised and empowered to extend the Illinois and Rock river Railroad beyond the village of Dixon, and terminate said railroad at some point on the Mississippi river. Time for
completion
extended

SEC. 2. An act supplemental to the charter of the Springfield and Alton Turnpike Road Company, approved February twenty-seventh, one thousand eight hundred and forty-one, be and the same is hereby revived until the end of the next General Assembly. Certain act
revived

APPROVED, March 6th, 1843.

AN ACT to incorporate the Great Western Railway Company. In force.
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and directors of the Cairo City and Canal Company, (incorporated by the State of Illinois,) and their successors in office, be and they are hereby made a body corporate and politic, under the name and style of the Great Western Railway Company; and under that name and style, shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court or place, whatsoever, to make, have, and use a common seal, the same to alter and renew at pleasure, and by that name and style, be capable in law of contracting and being contracted with, of purchasing, holding, and conveying away, of real and personal estate, for the purposes and uses of said corporation, and shall be and are hereby invested with all the powers, privileges, and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said corporation are hereby authorised and empowered to locate, construct, and finally complete a railroad commencing at the city of Cairo, in Alexander county, in Illinois, and thence north, by way of Vandalia, Shelbyville, Decatur, and Bloomington, to a point on the Illinois river, at or near the termination of the Illinois and Michigan Canal, in such manner and form as they shall deem most expedient; and for this purpose said company are hereby authorized to lay out said road, not exceeding ten rods wide, through its whole length; Great Wes-
tern railroad
way incorpo-
rated

General
powers

May con-
struct a cer-
tain railroad

and for the purpose of cutting embankments, and procuring stone or gravel, may take as much more land as may be necessary for the proper construction and security of said road; *Provided*, that all damages that may be occasioned to any person or corporation by the taking of such land or materials, shall be paid for by said company in the manner prescribed by the act creating a general system of internal improvements; and the right of way, acquired under such act or assessment, shall vest in said company the same rights.

To pay dam-
ages for ta-
king land

Affairs how
governed

Officers

SEC. 2. The immediate direction and government of the affairs of said company shall be vested in a board of not less than five directors, who shall be chosen by the members of the Cairo City and Canal Company, at the annual meeting as provided by the ninth section of the act of its incorporation, and who shall hold their offices until others shall be duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall form a quorum for the transaction of business, and shall elect one of their number to be president of the board, who shall also be president of the company, and shall have authority to choose a secretary, who shall be sworn to the faithful discharge of his duty, and a treasurer, who shall give bond to the corporation, with sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, for the faithful discharge of his trust; *Provided*, that the first board of directors to be elected under the provisions of this section, may be chosen at any time before said annual meeting.

President &
directors can
extend pow-
ers granted

SEC. 3. The president and directors for the time being are hereby authorised and empowered, by themselves or their agents, to execute all the powers herein granted to the company, for the purpose of locating, constructing, and completing said railroad, and for the transportation of persons, goods, and merchandize, and all such other powers and authority for the management of the affairs of the company, not heretofore granted, as may be necessary and proper to carry into effect the objects of this company, for the use of the road for the transportation of persons, goods, and merchandize.

By-laws

SEC. 4. The said company shall have power to make, ordain, and establish, all such by-laws, rules, regulations, and ordinances, as they may deem expedient and necessary to accomplish the designs and purposes, and to carry into effect the provisions of this act, and for the well ordaining, regulating, and securing of the interest and affairs of the company; *Provided*, the same be not repugnant to the constitution and laws of this State, or of the United States.

Rates of toll
how estab-
lished

SEC. 5. A toll is hereby granted and established for the sole benefit of said company, upon all passengers and property of every description, which may be carried or transported upon the said railroad, at such rates per mile as may be agreed upon and established from time to time, by the directors of the said company. The transportation of persons and property, the

construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to the use of the road, shall be in conformity to such rules, regulations, and provisions as the directors shall from time to time prescribe and direct.

SEC. 6. The directors of the said company for the time being are hereby authorised and empowered to erect toll houses, establish gates, appoint toll gatherers, and demand toll upon the road when completed, and upon such parts thereof as may from time to time be completed.

Collection of toll

SEC. 7. When the lands, or property, or estate, of any *feme covert*, infant, or person *non compos mentis*, shall be necessary and wanted for the use or construction of said road, the husband of such *feme covert*, and the guardian of such infant or person *non compos mentis*, may release all damages or demands for any damages, on any lands or estate so taken and appropriated as aforesaid, as they might do if the same were holden by them in their own right respectively.

Estate of *feme covert* and persons *non compos mentis* how released

SEC. 8. If any person shall wilfully, maliciously, or wantonly, and contrary to law, obstruct the passage of any carriage on said railroad, or in any way spoil, injure, or destroy said road, or any part thereof, or any thing belonging thereto, or any material or instrument to be employed in the construction or for the use of said road, he, she, or they, or any person or persons, aiding or abetting such trespass shall forfeit and pay to said company, for every such offence, treble such damages as shall be proven before any court having competent jurisdiction thereof; and such offender, or offenders, shall be liable to indictment by the grand jury of the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions, and on conviction thereof, before any court competent to try the same, shall pay a fine not exceeding one hundred dollars, nor less than thirty dollars, to the use of the people of the State of Illinois, or may be imprisoned for a term not exceeding one year, at the discretion of the court before whom conviction may be had.

Penalty for obstructing or injuring railroad

SEC. 9. The capital or funds which may be required and is necessary, from time to time, for the objects authorised by this act, shall be obtained by the sale of bonds or obligations to be issued in the name of, and upon the sole security of the whole property, estate, and income of the Great Western Railway Company, and which indebtedness may be made payable at such times and places, and with such rates of interest, and in such form and manner, as the directors of the said company, for the time being, shall deem most proper and expedient; *Provided*, that no obligation issued by the company for loans, shall be considered or deemed a lien upon, or secured by the income or property of the company, unless such indebtedness shall be signed by the president and treasurer of the company, and its corporate seal affixed thereto, and countersigned by the president and treasurer of the Cairo City and Canal Company, and also certified thereon that it is recorded

Capital stock how obtained

Proviso

in the office of register of deeds, for Alexander county, Illinois, the number, by whom signed, when and where due, the rate of interest, date, and amount of all such indebtedness, shall be entered in a separate record book, kept for the purpose, and upon payment by the company of obligations thus signed, sealed, and recorded, they shall be returned to the said register's office and cancelled, which shall be evidence of the payment thereof.

Nett income
of the road
pledged for
the payment
of bonds issu-
ed by the
company

Disposition of
surplus funds

Company
may contract
with U. S.
Government
for carrying
mail &c.

Present value
of work done
on Central
railroad to be
estimated and
paid in State
indebtedness
by the compa-
ny

To be com-
pleted in ten
years

SEC. 10. As security for the payment of the principal and interest of all bonds and obligations, issued conformably to the preceding section, the whole nett income of all rents and tolls derivable from the road, works, buildings, lands, and other property of the company, shall be and are hereby declared to be specially held, pledged, and irrevocably secured to the holders of the said bonds or obligations of the company, against the claim or claims of all other parties, until the principal and interest of all such indebtedness shall be fully paid according to the terms of the loan; and the surplus income of the company, after providing for the annual interest on these loans, shall be invested as a sinking fund in the government stock of the United States, or it may be applied to the liquidation of the indebtedness of the company.

SEC. 11. The company are hereby authorised to make and enter into any contract or agreement with the Government of the United States, for the use of the railroad in transporting the mails, and for other purposes of the Government, for any period of time; and any contract signed by the president of this company, and of the Cairo City and Canal Company, and attested by the treasurer of each company, and recorded in the recorder of deed's office in Alexander county, in Illinois, shall be binding on this corporation, and shall take precedent over all other contracts, and shall have a preference-lien on all the property of the company; any thing in this act to the contrary notwithstanding.

SEC. 12. The Governor of this State is hereby authorised and required to appoint one or more competent persons to estimate the present value of any work done at the expense of the State, on the Central Railroad; also, of materials, lands, or right of way; and whatever sum shall be fixed upon as the value thereof, by said persons, shall be paid for by the company in the bonds or other indebtedness of the State, any time during the progress of the road to completion; and any contract entered into under the seal of the State, and signed by the Governor thereof, shall be legal and binding, to the full intent and purpose thereof, on the State of Illinois.

SEC. 13. The said company are hereby authorised to make and extend said main road to Galena; *Provided*, that the railroad herein granted shall be commenced in two years, and two hundred miles completed within ten years thereafter.

SEC. 14. That whenever the whole indebtedness of this company shall be paid and liquidated, the Legislature of the State, thereafter, then in session, shall have the power to alter,

amend, or modify this act as the public good shall require, and also that of the Cairo City and Canal Company; and the eleventh section of the act incorporating the said Cairo City and Canal Company, which limits its charter to twenty-five years, be and the said section is hereby repealed, and this act be and is declared a public act, and as such shall be taken notice of by all courts of justice in this State, without the necessity of pleading the same, and shall be in force from and after its passage.

This act may be altered or amended if indebtedness of Company shall be paid

SEC. 15. Nothing in this act shall be construed as granting banking privileges to this company.

Company not to have banking privileges

SEC. 16. Whenever the said company shall have paid and discharged all its obligations and indebtedness, assumed or entered into under the provisions of this act, that then, and forever thereafter the said company shall be held to pay to the Treasurer of the State of Illinois, for the use of the State, one-fourth of the whole nett income annually received from the road herein authorised to be made; *Provided*, that no Legislature shall, at any time hereafter, so reduce the tolls as to produce less than twelve per cent. nett per annum, upon the cost of said road, without the consent of said company.

SEC. 17. The Governor may, in the sale, mortgage, or transfer, of the depot land at Cairo, to said company, reserve the right of occupancy to the persons resident thereon for the term of three years, free from molestation, from the passage of this act; *Provided*, the land thus occupied shall not exceed two acres, including the buildings of the occupants.

Reservation of depot lands at Cairo

SEC. 18. All lands that may come into the possession of said company, whether by donation or purchase, and which are not required for the use, security, or construction of the road herein authorised to be made, shall be sold by the company within five years from and after the completion of said road, otherwise all lands not sold shall revert to and become vested in the State of Illinois: *Provided*; that until said lands are sold, they shall be and are hereby declared pledged, held, and mortgaged as security for the payment of the bonds and obligations of the company, authorised to be issued under and in conformity of the provisions of this act, and the proceeds of said land whenever sold, shall be wholly applied to the payment of the indebtedness of the said company, and for no other purpose whatever.

Land of company not required for the use of the road to be sold by the company

Proviso

APPROVED, March 6th, 1843.

AN ACT legalizing certain records in Greene county, and authorizing recorders to appoint deputies in certain cases.

In force, Jan. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all deeds, mortgages, title bonds, defeasances, bills of sales, and all other

Deeds and other title papers recorded by G. W. English to be valid as if recorded by recorder

writings authorized by law to be recorded, and which were recorded, by Revil W. English, in the records of deeds in Greene county, during the time he acted as deputy under Charles Lancaster, the recorder; and also, all such as were recorded by said English up to the time that the successor of said Lancaster was elected and qualified to office, be and the same is hereby declared valid in law and equity, to as full an

Certificates of said English made evidence

extent as if the same had been recorded by the recorder in conformity to law; and that all certificates made by said English of such record be received as evidence of such record in all the courts of law and chancery in this State.

Deputies when appointed

SEC. 2. County recorders are hereby authorized to appoint deputies only when the recorder shall be disabled by sickness or other bodily infirmity.

APPROVED, January 24th, 1843.

In force,
Feb. 1, 1843.

AN ACT concerning the records of Jersey county.

Certain records of Greene co. to be copied and filed in recorder's office of Jersey co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the county commissioners' court of Jersey county to employ the recorder of Greene county, or some suitable person who will do the work cheaper, to copy into a well bound book or books, at the expense of said county, all deeds, mortgages, bonds, or other writings, for the conveyance of or relating to lands lying in said county, and which deeds, mortgages, bonds, or other writings, which were recorded in the recorder's office of Greene county, previous to the organization of said county of Jersey; such copies to be placed in the recorder's office of said Jersey county.

Person copying to have access to books

SEC. 2. The person or persons employed by the county commissioners' court of Jersey county to procure copies as aforesaid, shall have full access to the books in the recorder's office of Greene county, for the purpose of making such copies; and the recorder of Greene county shall carefully compare such copies with the records in his office, and if he finds them to be correct he shall make a certificate to that effect, under his hand and seal, at the end of each volume, of such copies.

Copies to be certified

Volume and pages to be noted

SEC. 3. At the end of the copy of each deed, or other writing, copied as aforesaid, the person copying the same shall note the volume and page of the record from which it is copied.

Compensation of recorders

SEC. 4. For his services in comparing such copies the recorder of Greene county shall be entitled to compensation not exceeding ten cents for each deed, or other writing, so compared by him, to be paid by Jersey county.

SEC. 5. All copies made, compared, and certified as aforesaid, and all transcripts of such copies, certified under the

hand and official seal of the recorder of said Jersey county, shall be received and taken in all courts of justice and other places in this State, in as full and ample a manner as the records from which they shall be taken; *Provided, however,* that if any discrepancy or variance shall be found to exist between said copies and the records of Greene county, then a copy from the records of Greene county, certified by the recorder thereof to be correct, and to have been examined with reference to such variance, shall be received as the proper evidence. Copies made
evidence
Proviso

SEC. 6. This act shall not be so construed as to change or affect the existing laws of this State in relation to the admission of the copies of deeds, or other writings, as evidence, but the same rules of evidence as to the production of the original deeds, or writings, shall be pursued as now provided on that subject. General law
as to admis-
sion of evi-
dence not
changed

SEC. 7. It shall be lawful for said county commissioners' court of Jersey county to procure abstracts of all the deeds which have been recorded in the records of said Greene county, of lands lying in said Jersey county, if in their opinion said abstracts will answer in lieu of complete records as herein above provided; which abstracts shall be made out and certified by the recorder of Greene county, and paid for out of the county treasury of Jersey county. The price for each abstract with the certificate to be agreed upon between the parties. Abstracts
may be pro-
cured in lieu
of complete
records

SEC. 8. This act to take effect from and after its passage, and to be deemed a public act.

APPROVED, February 1st, 1843.

AN ACT to repair the damages occasioned by the destruction of the records and public documents of Jackson county. In force,
Feb. 1, 1843.

WHEREAS, the court house in the town of Brownsville, in Jackson county, was accidentally consumed by fire, during the night of the tenth of January, one thousand eight hundred and forty-three, including the offices of the circuit court, the county commissioners' court, the county recorder, and the probate justice of the peace of the said county, with all the books, papers, records, and effects belonging to the said offices, and all public document contained in the archives of said county; therefore, Preamble

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Doty and Jefferson Allen, of Jackson county, and Willis Allen, of Williamson county, be and they are hereby appointed a board of investigation for the said county of Jackson, any two of whom shall have full power and authority to act in relation to all matters referred to them by this act; and upon the refusal of any one of the members of said board to serve, or upon Board of in-
vestigators
established

Vacancy how filled the resignation or death of any one of its members, the remaining two members shall have authority to appoint one in his stead; and Daniel H. Brush, of Jackson county, shall be and he is hereby appointed secretary of said board, whose duty it shall be to record the proceedings of said board; *Provided, however,* that any of the members of said board shall be subject to removal at any time by the Governor.

Clerk

Gov. may remove members of board

Time and place of opening office

Notice to be given

What notice to contain

SEC. 2. It shall be the duty of the said board on or before the first day of April next, or as soon thereafter as may be, to open an office in the town of Brownsville, in said county, and as soon as convenient thereafter to cause advertisements to be posted up in three different places in each election precinct, and at three different places at the county seat of said county, and to cause the same to be inserted in the newspaper printed by the Public Printer at the seat of Government, and in one or more newspapers of general circulation in said county, notifying all whom it may concern that records and public documents appertaining to the office of the clerk of the circuit court, county commissioners' court, county recorder, and probate justice of the peace of Jackson county, have been consumed by fire, and that the members of the said board are empowered by law to receive, collect and examine, all bonds, deeds, wills, and other instruments of writing, previously filed and recorded in said county, and pass upon the same for the purpose of having them again filed and recorded; and also, to receive testimony in relation to the title of real estate in said county, where all evidence may have been destroyed as afore-said, and to perform such other acts as may tend to repair the damage occasioned by the destruction of said records, and that they will attend for that purpose in their office in the town of Brownsville, in the said county, on the second Monday of May next, and continue therein until the same shall have been accomplished.

How long board to continue

Proviso

SEC. 3. After some such notice as the above shall have been given for the space of four successive weeks, the said board shall enter upon the performance of its duties, and shall continue therein until the same shall have been accomplished; *Provided, however,* that it shall in no case continue longer than twelve months from the time of its commencement, unless by special leave of the Governor for good cause shown.

Members of board to be sworn

SEC. 4. The members of the said board, before entering upon the performance of their duties, shall subscribe an oath before some person competent to administer the same, that they will well and truly, without favor or partiality, perform all the duties assigned them as a board of investigation for Jackson county, to the best of their skill and ability; which oath shall be recorded by them in the book first opened, and a copy thereof filed in the office of the clerk of the county commissioners' court.

SEC. 5. The board shall procure well bound books, and shall, upon the application of any persons interested, proceed

to record all bonds, deeds, and other instruments of writing, which have been filed or recorded in said county, and the record or file of which have been destroyed as aforesaid, specifying the date of the first recording or filing of the said instruments in each case. Board to record papers &c.

SEC. 6. It shall be the further duty of the board to record in separate books, all wills, and testaments, and particulars in relation to the probate of the same, which have been before recorded or filed, and the record or files of the same destroyed; and the record of deeds, bonds, wills, testaments, and other instruments of writing, thus made shall be as legal and valid, and shall have the same force and effect as the original record or file. How wills to be recorded
Effect to be given to records

SEC. 7. In all cases where the written evidence of title to any lot, tract, or parcel of land has been injured, impaired, or destroyed by the operation of the said fire, the said board shall have power to hear parol testimony in relation to such matter, and their report, when entered up and recorded in a book to be kept for that purpose, shall be *prima facie* evidence of the facts therein contained. Board authorised to hear parol testimony in certain cases

SEC. 8. The said board shall hear testimony in relation to the judgments and decrees of the circuit court of said county, when the title to real estate is injured or destroyed by the destruction of the records of the same, and shall in all such cases enter up orders in relation to such judgments, decrees, executions, and other proceedings of said court according, to the truth of each case, which order shall be *prima facie* evidence of the facts therein contained. Duty of board in reference to judgments &c.

SEC. 9. The said board shall proceed also to repair all damage done by the loss of the files and records of the county commissioners' court by procuring all the information which can be obtained from the office of the Auditor of Public Accounts and elsewhere, and by having recourse to parol testimony, when written testimony is not procurable, and the orders and reports made by the said board touching this matter shall be considered *prima facie* evidence of the facts therein contained. Board to supply loss of records &c.

SEC. 10. When any real or personal right has been effected or impaired by the destruction of the files and records aforesaid in any of the offices aforesaid, the party or parties injured may apply to the said board, and upon notice being given to the opposite party or parties, and an opportunity, allowed them to contest the same, the said board shall proceed to hear testimony and decide upon the same, and their decision shall be *prima facie* evidence of the facts decided; *Provided, however,* that when the same is contested, and the matter doubtful, the parties shall be referred to their remedies in courts of justice, and upon the dissolution of the said board, the books containing the records and proceedings of said board shall be deposited, by the direction of the county Persons whose rights are impaired may apply to board
Records where to be deposited

commissioners' court, in the proper offices, to be preserved for the purpose of supplying the loss of the public archives.

Any member
of board may
examine wit-
nesses

Impose fines

Board may
adjourn

Compensa-
tion

Expenses
how paid

Proviso

SEC. 11. To enable the said board to perform the duties thus assigned them any one of them shall have power to swear witnesses, and examine them touching any subject connected with their duties, and any two of them shall have power to summon parties and witnesses, or notify them to attend at their office, on a particular day, for any particular purpose touching the matters in hand, and upon neglect they shall have power to impose a fine not exceeding ten dollars for such neglect. Any two of them shall have power to issue subpoenas, attachments, summons's and other necessary process, directed to the sheriff of Jackson county, or other county in this State, and to employ constables, who shall execute the same, who shall be paid as in other cases. The fines thus imposed shall be recoverable before any justice of the peace. Said board shall have power to adjourn from time to time for the purpose of facilitating the investigation, giving notices, procuring testimony, examining witnesses, and for such other purposes as may be necessary.

SEC. 12. The members and secretary of the said board shall be allowed two dollars per day for their services while employed, the time to be certified under oath before the county commissioners' court, and certified by that court, and the same to be paid out of the State treasury; all the other expenses attending said investigation to be sworn to and certified and paid in like manner; *Provided*, that the amount to be drawn from the treasury shall not exceed the sum of one thousand dollars, and the commissioners and secretary aforesaid shall not be allowed pay except for the time actually employed in the discharge of the duties assigned to them by this act. This act to take effect from and after its passage.

APPROVED, February 1st, 1843.

In force,
Feb. 3, 1843.

AN ACT in relation to certain records in Adams county.

Preamble

WHEREAS, by an act entitled "an act to provide for transcribing certain records therein named," approved February twelfth, one thousand eight hundred and thirty-five, the county commissioners' court of Adams county was authorized to cause the records of deeds, and other writings relating to real estate, situated in said county, and which had been recorded in other counties in this State, to be transcribed and deposited in the recorder's office in said county, certified copies whereof to be used in evidence, as in the said act provided; and whereas, by virtue of said act, one John H. Holton was duly appointed and authorised to transcribe said records, and the said Holton did, in pursuance of said appointment, transcribe a part of said records

in person, and caused a part thereof to be transcribed by an agent, selected by him for that purpose; and whereas, doubts have arisen whether the said transcribed records, or certified copies thereof, are admissible in evidence according to the true intent and meaning of said act; now therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said records, so transcribed as aforesaid, and heretofore deposited by the said John H. Holton, in the recorder's office of Adams county, and by him duly certified according to the provisions of said act, or certified copies thereof, shall be admissible in evidence in all cases provided for in said act, and shall be entitled to the same credit, and have the same force and effect, as if the said records, and every part thereof, had been transcribed by the said Holton in person.

Records transcribed and deposited in recorder's office made evidence

APPROVED, February 3d, 1843.

AN ACT providing for the making an index to the records of Cook county and for other purposes. In force, Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Cook county shall furnish an office for the safe keeping of the books and papers in the recorder's office in said county, with a good and sufficient fire proof safe, in which office said records shall be kept.

Co. com'rs of Cook co. to furnish office for recorder

SEC. 2. That the recorder of Cook county shall make a complete index to the records in said county recorder's office, which shall be an index of the grantors and grantees alphabetically arranged; which index shall contain a description of the kind of instrument, the date thereof, the amount of the consideration, the time of filing and recording the same, with a succinct description of the premises contained in said conveyance, or in form like the one commenced by said recorder; and for making said index he shall be entitled to the sum of seven cents from the county of Cook for every entry so made; which entry shall be considered as embracing both the grantee and grantor of an instrument entered as aforesaid in said index. That the said recorder shall complete the said index within one year from the passage of this act, and when so completed shall be for the use of the public and to remain in said office, and the county commissioners are hereby authorized to pay the said recorder the sum of money above mentioned.

Index to recorder

Compensation

To be completed in one year

SEC. 3. That the said recorder and his successor or successors, are hereby required and it shall be their duty to continue said record in the manner prescribed by this act, without any additional compensation.

Recorder to continue said index

Stationery

SEC. 4. That the county commissioners of said county shall furnish the stationery for said index.

Books to be repaired

SEC. 5. It shall be the duty of said recorder to cause the books of record for said county to be repaired, and it shall be his further duty to superintend such repairs. This act to take effect from and after its passage.

APPROVED, February 23d, 1843.

In force,
Feb. 24, 1843.

AN ACT to authorize the county commissioners' courts to erect fire proof offices for the preservation of county records.

Fire-proof
buildings to
be erected

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts of the several counties in this State are hereby authorized and required, whenever the finances of any county in this State shall justify such expenditure, to cause to be erected a fire proof recorder's office, on some suitable lot at their respective county seats, and pay for the same in the same manner as court houses and jails are paid for; *Provided,* that if the county commissioners' court of any county as aforesaid shall be of opinion that any one of the rooms unappropriated in their court houses respectively can be made fire proof, they shall be required and authorized as aforesaid to cause such improvements or addition to be made to any such room as will render the same fire proof; in which said fire proof buildings or room the records and office of county recorder shall be kept.

How this act
may apply

SEC. 2. The provisions of the foregoing section of this act may, at the discretion of the county commissioners' court of any county in this State, be deemed to apply to the offices of clerks of the county commissioners' and circuit courts respectively.

APPROVED, February 24th, 1843.

In force,
April 1, 1843.
See supplement, 6th
Mar. 1843.

AN ACT to establish a mode to register births and deaths.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the clerk of the county commissioners' court, in each county of this State, to provide himself with a well bound book, wherein he shall record the births and deaths of all persons coming to his knowledge in the manner hereinafter provided.

Mode of registering births
&c.

SEC. 2. The father of a child or children, or mother of any child or children, in case the father be dead, out of the State or otherwise prevented, or in case of an illegitimate child or children, may appear before the clerk of the county commissioners' court of his or her respective county, and make an affidavit in writing before such clerk, setting forth the

birth or births of his or her child or children, stating therein the day and year when, and the justice's precinct wherein such birth or births happened, and the christian and surname of said child or children. In case such father or mother fail or neglect to make an affidavit as aforesaid within sixty days after such birth or births, any householder may make the same concerning every birth happening in his house.

SEC. 3. The eldest person next of kin may make an affidavit before the clerk aforesaid, of his or [her] respective county, of the death of his or her kindred, and in case the next of kin neglects to make such an affidavit for the space of twenty days, the administrator or executor of such deceased person may make such affidavit as aforesaid; and any householder may make the like affidavit before said clerk concerning any death happening in his house. Affidavits made under the provisions of this section shall state the name and the age of the person deceased according, to the best of his or knowledge and belief, and shall also state the justice's precinct where such death happened. If any person shall come to his death, and a coroner's inquest be held over his or her body, or if any person die while confined in any penitentiary, jail, workhouse, poor house, or hospital within this State, the respective wardens, jailors, or keepers of such workhouses, poor houses or hospitals, shall make out a certificate containing substantially the same statements concerning the name, age, death, and place of death, required in the affidavit last aforesaid, and within ten days after such death happened, file the same with the county commissioners' clerk of the proper county.

SEC. 4. The said county commissioners' clerk shall carefully file and number such affidavits and certificates in the order they are presented, and shall be parts of the records of his office, and said clerk shall make an abstract of the material facts set forth in said affidavit or certificate and enter the same in the said record of births and deaths; which abstract shall be in substance as follows:

Entry concerning the birth of a person.

Entry of birth

On the — day of — A. D. —, A. B. (being the father or mother, or a householder as the case may be) made proof of the birth of C. D., which took place on the — day of —, A. D. —, in — precinct, county of —; see affidavit on file, No. —

Entry of death.

On the — day of —, A. D. —, A. B. of — county (being the eldest person next of kin, or a householder in whose house the death happened, executor or administrator of deceased, coroner or keeper of a jail, poor house, workhouse or hospital, as the case may be) made proof of the death of C. D. aged — years, which took place the — day of — A. D. — in — precinct — county; see affidavit (or certificate) on file, No. —

Clerk to make
index

SEC. 5. The clerk shall keep a correct alphabetical index to said record showing the christian names and surnames of the persons concerning whom entries have been made; said index distinguishing between cases of births and deaths, and shall, upon request of any person, make out a certificate of said entry under his hand and the seal of the county commissioners court, and such certificate shall be received as *prima facie* evidence of the facts stated therein in all courts of law and equity in this State.

Clerks' fees

SEC. 6. For every affidavit taken under this act the said clerk shall be entitled to a fee of twelve and a half cents, for making the entry and filing certificate, to a fee of twelve and a half cents, and for making out a certificate under seal as aforesaid, to a fee of fifty cents; *Provided*, he shall not be entitled to any fee in case where one of the above enumerated officers files a certificate of the death of any person under his charge.

Person making false affidavit guilty of perjury

SEC. 7. Every person having sworn or made affirmation to any of the affidavits above mentioned who shall swear or affirm, wilfully, corruptly and falsely in a material point therein set forth, or shall suborn any other person to swear or affirm as aforesaid, shall be deemed guilty of perjury or subornation of perjury, and shall be, upon conviction thereof, punished accordingly.

SEC. 8. This law to be in force from and after the first day of March next.

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843.

AN ACT to amend an act entitled "an act to provide for transcribing certain records therein named," approved February 12th, 1835.

Manner of
transcribing
records

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in transcribing deeds, in conformity with the provisions of an act entitled "an act to provide for transcribing certain records therein named," approved February the twelfth, one thousand eight hundred and thirty-five, it shall not be necessary for the person or commissioner, appointed by the county commissioners' courts to make such transcripts, to include in such transcript any piece or parcel of lands situated in any other county than the one for which such transcript is being made, but it shall be sufficient to copy all other parts of said deed except the description of such pieces or parcels of land as may be situated in any other county than the one for which the copy is being made, and transcript so made, whether before or after the passage of this act, shall be to all intents and purposes as valid and effectual in law as if the entire deed had been copied.

APPROVED, March 4th, 1843.

AN ACT to amend "an act providing a voluntary mode of registering births and deaths," approved March 3d, 1843. In force,
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the "act providing a voluntary mode of registering births and deaths," approved third of March, one thousand eight hundred and forty-three, shall be in force from and after the first day of April next; any thing in the said act to the contrary notwithstanding. Act 3d Mar.
1843, in force
on 1st April,
1843

APPROVED, March 6th, 1843.

AN ACT for the relief of Jonathan D. Manlove.

In force,
Jan. 19, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jonathan D. Manlove, late collector in and for the county of Schuyler, and State of Illinois, is hereby authorized and empowered to collect all taxes and assessments remaining due and unpaid on lands and town lots, for the year one thousand eight hundred and forty-one, in said county of Schuyler. Manlove to
collect tax
for 1841

SEC. 2. The said collector, in order to collect said taxes and assessments, may sell at the next regular time of selling lands for taxes, in and for said county of Schuyler, all lands and town lots on which taxes remain due and unpaid, for the year one thousand eight hundred and forty-one; *Provided,* said sale shall be had, public notice of the time and place of sale, judgments obtained, and in all respects as now required by the laws of this State. This act to be in force from and after its passage. Collector may
sell land
Proviso

APPROVED, January 19th, 1843.

AN ACT for the relief of the persons therein named.

In force,
Jan. 28, 1843.

WHEREAS, it has been represented that the certificate issued to George W. Merrill, by the treasurer of the Illinois and Michigan Canal, in June, one thousand eight hundred and and thirty-six, for the purchase of lot number two, (2) in block number thirty-eight, (38) in the original town of Chicago, has been lost or mislaid; and it appearing by the affidavit of the said George W. Merrill, that soon after he purchased said lot of the canal commissioners, he conveyed a part of said lot to Peter L. Updike and Charles M'Clure, by a written contract or deed, and subsequently conveyed all his remaining interest in said lot, by an assignment of said treasurer's certificate; and it also appearing from affidavits and assignments, that Peter L. Updike and Edward B. Talcott are now the proper owners of said lot, and the treasurer of the canal board having refused to issue a final certi- Preamble

ificate for said lot, in consequence of the loss of said certificate of purchase; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acting commissioner of the Illinois and Michigan Canal, shall, upon the payment of the amount due on said lot, according to the act entitled "an act for the relief of purchasers of canal lots in Chicago and Ottowa," in one thousand eight hundred and thirty-six, issue a final certificate to Peter L. Updike for the east half, and a final certificate to Edward B. Talcott for the west half of said lot number two, in block number thirty-eight, in the original town of Chicago; *Provided*, that nothing in this act shall be considered as a warranty against any legal assignment of said certificate, to other person or persons; *And provided further*, that nothing in this act contained, shall effect the legal or equitable right of any other person in the lot herein named.

APPROVED, January 28th, 1843.

In force,
Feb. 17, 1843.

AN ACT for the relief of William M. Bell.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William M. Bell, be and he is hereby allowed the sum of two hundred dollars, in full for the apprehension of John Dormer, a fugitive from justice, who was sentenced to the penitentiary for life, in the circuit court of Jo Daviess county, on a charge of rape, in the year 1839, and who escaped from the jail of said county of Jo Daviess, and was afterwards taken by said Bell and conducted to the proper authorities, for which he never has received any compensation; and that the Auditor of Public Accounts is hereby authorised to issue his warrant for the same.

APPROVED, February 17th, 1843.

In force,
Feb. 17, 1843.

AN ACT for the relief of the Shilo Meeting House tract.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the assessor of the county of St. Clair shall hereafter assess no tax on a certain tract of land located in said county, containing eleven acres of ground and used by the members of the Methodist Episcopal church, as a place for religious worship and a graveyard, and which is located on the Great Western Mail Route, six miles north-east from the town of Belleville.

APPROVED, February 17th, 1843.

AN ACT for the relief of Harrison W. Higgs, and others.

In force,
Dec. 20, 1842.

WHEREAS, Harrison W. Higgs was collector in and for the county of Effingham; during the year one thousand eight hundred and forty, and failed to obtain a decree of the circuit court, as the law directs, for the sale of delinquent town lots and lands on which taxes were at that time due and unpaid; therefore,

Preamble

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Harrison W. Higgs, late collector of the county of Effingham, shall have power and authority, by compliance with the provisions of the revenue laws in such cases made and provided, to make application to the circuit court of said county of Effingham, for a decree of said court to sell all such lots and lands on which taxes were due and unpaid for the year one thousand eight hundred and forty; and the said court is hereby authorised and empowered to make such orders and decrees as should have been made had such application been presented to the court within the time heretofore provided by law.

Higgs authorised to apply for decree to sell lands for tax of 1840

Duty of court

SEC. 2. That the sale provided for in the first section of this act, shall take place and be conducted in the same manner as is now provided by law, and that the said Harrison W. Higgs be allowed until the first Monday of August next to collect and settle with the Auditor of Public Accounts.

Sale how conducted

SEC. 3. *Be it further enacted,* that the same provisions and benefits that is allowed by this act, be and is hereby allowed to James Cheak, late collector for the county of Clay, for the year one thousand eight hundred and forty-one.

Late collector of Clay co. to have benefit of this act

SEC. 4. The collector of the county of Shelby is hereby authorised to make application to the circuit court of said county, at the spring term thereof, for judgment against delinquent lands and town lots in said county, for taxes for the year one thousand eight hundred and forty-one, and the said collector is hereby required to perform such duties as are now required by law, under the provisions of this act, and to make settlement with the Auditor of Public Accounts, as is provided by the second section of this act.

Same relief to collector of Shelby co. for 1841

APPROVED, February 20th, 1843.

AN ACT for the relief and benefit of Richland county.

In force,
Feb. 21, 1843.

WHEREAS, by the fifteenth division of the eighteenth section of the internal improvement act; approved February twenty-seventh, one thousand eight hundred and thirty-seven, the sum of two hundred thousand dollars was appropriated to be distributed to the several counties in this State, through which no railroad or canal was authorised by that act to be constructed; and whereas, the original county of Lawrence

Preamble

was entitled to and received a distributive share of said appropriation; and whereas, the county of Richland has been created in part from the county of Lawrence since the receipt of said appropriation by the said county of Lawrence; and whereas, a portion of the inhabitants of the county of Richland, have not received their due proportion of said appropriation, or the benefits arising therefrom; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois,*

represented in the General Assembly, That the county of Richland shall be and is hereby authorised to demand and receive from the county of Lawrence her proportion of said appropriation, according to the following terms and conditions: first, the census for the State of Illinois, for one thousand eight hundred and forty, shall be taken as the ratio of population in said counties; second, that part of the county of Richland which was taken off the county of Lawrence, shall be entitled to receive of the fund which the county of Lawrence received of said appropriation, a proportionate share, according to the relative number of inhabitants in said part of Richland county, compared with the inhabitants of the present county of Lawrence, as exhibited in the State census, for one thousand eight hundred and forty; third, *Provided*, that whatever sum or sums of said fund, so received by the said county of Lawrence, previous to the formation of Richland, shall have been expended for the public benefit in the said part of the original county of Lawrence which now forms a portion of Richland, shall be deducted from the amount to which the said portion of Richland shall be entitled; fourth, *And provided further*, that the county commissioners of the county of Lawrence may pay and discharge whatever sum the county of Richland shall be entitled to in the premises, when duly ascertained by the transfer of any internal improvement notes, bonds, or other obligations for money, on good and solvent men now living in either of said counties, or in any other manner which the commissioners of said counties, or their authorised agents, may agree upon; *Provided*, that notes, bonds, and other securities for money on solvent men in Richland county, shall be first taken; *And provided further*, that the county of Richland shall bear her share of the losses which the county of Lawrence may sustain by the loaning of said internal improvement fund, in proportion to the amount she may draw of said fund.

SEC. 2. *Be it further enacted*, that the county commissioners of Richland county, or their authorised agent, shall meet with the county commissioners of Lawrence county, at their next June term, or at any other time that may be agreed upon by the parties, and proceed to examine the books and papers of the said county of Lawrence, in regard to the said fund received by virtue of the internal improvement act aforesaid, to ascertain the amount so received, and what amount of it has been expended on public works, or for the public benefit in that part of Richland taken from Lawrence; and also to ascer-

Lawrence co.
to pay to
Richland co.
part of appro-
priation

Amount to
be paid over
how ascer-
tained

How paid

Com'rs of
Richland and
Lawrence to
meet and ad-
just amount

tain in the best manner that may be agreed upon, the relative proportion of inhabitants in the Richland part of Lawrence, in one thousand eight hundred and forty, with a view to ascertain what sum of money may remain to be due to the county commissioners of Richland county.

SEC. 3. *Be it further enacted*, that if the commissioners of Lawrence county shall fail or refuse to comply with the requisitions of this act, then and in that case the commissioners of the county of Richland shall be entitled to commence suit in the circuit court against the county of Lawrence for the sum due, or for a settlement, if the amount shall not be ascertained before the commencement of the suit; also, that a penalty of ten per cent. damages shall be rendered upon whatever judgment may be given in said suit against the said county of Lawrence; *Provided*, that nothing herein contained shall be so construed as to prevent the commissioners of the counties aforesaid from settling and adjusting the said claims of Richland county, without reference to the census of one thousand eight hundred and forty, and in any manner consistent with law, that will be satisfactory to both parties.

APPROVED, February 21st, 1843.

AN ACT for the relief of the collector of McLean county.

In force,
Feb. 21, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William H. Hodge, collector in and for the county of McLean, and State of Illinois, is hereby authorised and empowered to collect all taxes which were lawfully assessed, remaining due and unpaid on any lands, for the year one thousand eight hundred and forty-one, in said county.

SEC. 2. The said collector, in order to collect said taxes and assessments, may sell at the next regular time of selling lands for taxes in and for said county of McLean, all lands on which taxes remain due and unpaid for the year one thousand eight hundred and forty-one; *Provided*, said sale shall in all respects be conducted as now required by the laws of this State. This act to be in force from and after its passage.

APPROVED, February 21st, 1843.

AN ACT to refund to Daniel B. Bush certain moneys wrongfully paid into the treasury.

In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Auditor of Public Accounts be and is hereby required to draw his warrant on the Treasurer in favor of Daniel B. Bush for the sum of seventeen dollars and fifty cents, being the amount which said

Bush paid into the treasury as taxes, on a certain tract of land, when in fact there was no such tract of land.

APPROVED, February 23d, 1843.

In force,
Feb. 24, 1843.

AN ACT to legalize the military acts of Reese Bayless.

Preamble

WHEREAS, Reese Bayless was elected colonel of the sixty-third regiment of the militia of the State of Illinois, on the ninth day of July, one thousand eight hundred and thirty-six, received a certificate of election, and was sworn into office; and whereas, on the reception of his commission he discovered a mistake being made in it, by being dated one thousand eight hundred and thirty, instead of one thousand eight hundred and thirty-six; and whereas, the said Reese Bayless, after several attempts to get said date rectified, failed to do so, and consequently thought it improper to have his certificate endorsed on the back of said commission; therefore,

Reese Bayless' military acts legalised

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acts of Reese Bayless, of a military character, performed under the certificate of election, and the oath that inducted him into office as colonel of the sixty-third regiment of the militia of the State of Illinois, be and the same are hereby legalized.

Commission to be corrected

SEC. 2. The adjutant general is hereby authorised to correct the date of the commission of Reese Bayless, colonel of the sixty-third regiment of the militia of the State of Illinois, from and after which time the said Reese Bayless shall be only authorised to act as though he had been correctly commissioned and sworn into office originally upon the certificate of his election. This act to be in force from and after its passage.

APPROVED, February 24th, 1843.

In force,
Feb. 24, 1843.

AN ACT for the relief of McHenry county.

Preamble

WHEREAS, the county of McHenry, at the time when the county of Lake was created and set off from her, the said county of McHenry was indebted to a certain sum; and whereas, it is just that Lake county should pay her portion of said indebtedness; and whereas, the amount of said debt is unknown; therefore,

Amount of indebtedness of McHenry co. ascertained

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joel H. Johnson, of McHenry [county,] and Morris Robinson, of Lake county, are hereby appointed commissioners to ascertain and report the amount of debt due and owing by said county of McHenry, on the day Lake county was organized, and if said commis-

sioners cannot agree, they shall select a third person from without both the aforesaid counties, and their decision, or that of any two of them, shall be binding, final, and conclusive.

SEC. 2. The county of Lake shall pay to the county of McHenry one-half of the amount of the debt so found to have been due and owing by the county of McHenry, on the said day when Lake county was organized. Lake co. to pay part of indebtedness

SEC. 3. The said commissioners shall proceed immediately to ascertain the said sum, and report the same to the county commissioners' courts of both the aforesaid counties, and the county commissioners' court of Lake county shall, at their next session after said report, execute their bond, which is hereby declared to be good and valid in law, to the county of McHenry, for said sum, payable in four equal annual instalments, bearing date from the day when the aforesaid appointed commissioners shall have made their report to the county commissioners' courts, as above provided for. Com'rs to report to both counties

SEC. 4. Should either of the above appointed commissioners refuse or neglect to act, it shall be the duty of the circuit judge of the seventh judicial circuit (on the application of either of the above appointed commissioners,) to appoint some suitable person to fill said vacancy, who shall proceed as above provided for. If comr's refuse to act others to be appointed

SEC. 5. The commissioners appointed under this act shall receive the sum of two dollars per day for every day actually employed, the same to be paid out of the treasury of the two counties in equal sums. Compensation to com'rs

SEC. 6. In case the county commissioners of Lake county shall fail, neglect, or refuse, to make such obligation as is above provided for, the county commissioners of McHenry county are hereby authorised to institute an action of debt in any circuit court of this State, and recover of the said county commissioners of Lake county, the said sum so reported to be due to the said county of McHenry. Suits when to be instituted

SEC. 7. This act to be in force from and after its passage, and it shall be the duty of the Secretary of State to furnish a copy of the above act to each of the clerks of the county commissioners' courts of Lake and McHenry counties immediately after its passage.

APPROVED, February 24th, 1843.

AN ACT for the relief of Richard Dougherty, of Schuyler county.

In force,
Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Schuyler county be and they are hereby required to pay to Richard Dougherty the sum of one hundred and seventy-four dollars and seventy-five cents, being the balance due him for copying from the recorder's office of Madison county deeds for lands in the military bounty tract for Com'rs of Schuyler co. to pay R. Dougherty for copying records

said county of Schuyler, and said court is hereby required to cause their clerk to issue his order on the treasurer of said county in favor of said Dougherty for said sum.

APPROVED, February 24th, 1843.

In force, AN ACT for the relief of persons who have made improvements on lands
Feb. 25, 1843. near the line of the Illinois and Michigan Canal.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That persons who have made improvements on private property situated on or near the line of the Illinois and Michigan Canal, for the purpose of aiding in the construction of said work, are hereby authorized to remove the same at any time within six months after notice to that effect, in writing, is given by the owner of said land; *Provided*, that nothing in this act contained shall be so construed as to authorize the use of private property, without paying a reasonable compensation therefor.

APPROVED, February 25th, 1843.

In force, AN ACT for the relief of Abram J. Vandegrift and others.
Feb. 25, 1843,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Abram J. Vandegrift and Thomas H. Vandegrift are hereby released and discharged from all liability and indebtedness upon a judgment obtained in the Sangamon circuit court against them or either of them as security upon a recognizance for the appearance of James Hume; *Provided*, they shall, within six months after the passage of this bill, pay to the county commissioners' clerk of the county of Sangamon the sum of five hundred dollars in any of the securities of the State; *And provided*, they shall also pay all costs in said suit.

APPROVED, February 25th, 1843.

In force, AN ACT for the relief of the collector of Pope county.
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the collector of the revenue for the county of Pope, for the year one thousand eight hundred and forty-one, be and he is hereby authorized to collect the taxes due and remaining unpaid on the delinquent lands and town lots for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, and it shall be as legal to all intents and purposes as if the same had been done within the time allowed by law.

SEC. 2. There shall be allowed to the collector aforesaid, Collector allowed credits as a credit for the year of one thousand eight hundred and forty, the delinquent list, amounting to twenty dollars and thirty-one cents, and also for the year one thousand eight hundred and forty-one, nineteen dollars and fifty cents, which amounts are due the State, and also, the county tax on the same, which amounts are the delinquent lists of taxes for said years, which said collectors were unable to collect.

SEC. 3. This act to be in force from and after its passage.

APPROVED, March 1st, 1843.

AN ACT for the relief of the late collector of Du Page county.

In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Asa Dudley, late collector in and for the county of Du Page, and State of Illinois, is hereby authorized and empowered to collect all taxes Collection of delinquent tax of Du Page co. and assessments remaining due and unpaid on lands and town lots, for the year one thousand eight hundred and forty-one, in said county of Du Page.

SEC. 2. The said collector, in order to collect said taxes Collector may sell lands and assessments, may sell, at the next regular time of selling lands for taxes in and for said county of Du Page, all lands and town lots on which taxes remain due and unpaid, for the year one thousand eight hundred and forty-one; *Provided*, that notice of the time and place of sale shall be published, judgments obtained, and said sales shall be conducted as now required by the laws of this State.

SEC. 3. That said collector shall not be subject to the penalties of the law in consequence of having failed to comply with the provisions of an act entitled "an act to amend 'an act concerning the public revenue,' approved twenty-sixth February, one thousand eight hundred and thirty-nine." This act to be in force from and after its passage. Collector exempt from certain penalties

APPROVED, March 1st, 1843.

AN ACT for the relief of Matilda Powers.

In force,
Mar. 2, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the right, title, and interest which the State of Illinois has or might acquire Certain lands released by the State to Matilda Powers by the law of escheats, in and to the following described lands, of which Jacob Powers, late of Madison county, died seized, to wit: the south half of the north-west quarter, of section eight, containing eighty acres; also, the south part of the north-east quarter, of section eight, containing fifty-seven and one half acres; also, number five, the north-west quarter, of the

south-east quarter, of section twelve, containing forty acres; also, number eight, the east half of the south-east quarter, of the south-east quarter, of section twelve, containing twenty acres; all in township number three north, of range number nine, west of the third principal meridian, is hereby released and secured to Matilda Powers, widow and only heir at law of the said Jacob Powers, deceased, and the said Matilda Powers may hold, use, and occupy all such lands as the said Jacob Powers was possessed at the time of his death, as before described, for her own sole use, benefit, and behoof, forever. And should the said Matilda Powers at any time deem it to be to her advantage to sell any or all of the lands as before described, she may do so; and any deed duly executed and acknowledged by her shall be good and valid in law to the purchaser thereof.

SEC. 3. This act to take effect and be in force from and after its passage.

APPROVED, March 2d, 1843.

In force,
Mar. 3, 1843.

AN ACT for the relief of the school commissioner of Pope county.

Preamble

WHEREAS, John H. Smith, school commissioner of Pope county, has sold of the school lands in township twelve south, of range seven east, at a price less than the appraised value thereof; and whereas, the price for which the same was so sold is the highest price the same would now bring; therefore,

Certain sales
made by
school com'r
of Pope co.
legalised

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sales made by John H. Smith, school commissioner of school lands, in township twelve south, of range seven east, be and the same is hereby made legal, and to all intents and purposes valid in law and equity, and that patents shall issue to the purchasers of the same as in other cases where the full valuation is given for such land.

APPROVED, March 3d, 1843.

In force,
Dec. 5, 1842.

AN ACT for the relief of certain securities therein named.

Sureties per-
mitted to re-
lease them-
selves

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any person who now is or who hereafter may become the security of any sheriff, coroner, or clerk of the county commissioners' court, shall have the power of releasing himself from such securityship by filing with the clerk of the circuit court, a notice that he is unwilling longer to be security for said sheriff, coroner, or clerk of county commissioners' court; and any person who now

is or hereafter may become security for any justice of the peace, probate justice of the peace, constable, school commissioner, or collector of State and county revenue, clerk of the circuit court, may in like manner become released by filing with the clerk of the county commissioners' court a like notice.

SEC. 2. When any notice shall be filed as aforesaid with the clerk of the circuit court, he shall immediately give notice thereof to the sheriff, coroner, or clerk of [the] county commissioners' court, as the case may be, who shall thereupon file other security, to be approved by the circuit court, if the same shall then be in session, or if a session thereof be commenced within ten days after said notice shall have been given, but if said court be not in session, nor a session thereof be commenced within ten days, then the said sheriff or coroner, shall, within ten days, file said bond with the clerk of said court, which clerk shall in that case judge of the sufficiency of said bond; subject, however, to the decision of the judge of the circuit court as in other cases.

Notice to be given
Other security to be filed

SEC. 3. When any notice shall be filed with the clerk of the county commissioners' court, as aforesaid, he shall in like manner give notice to the justice, probate justice, constable, school commissioner, or collector of State and county revenue, as the case may be, who shall, within ten days thereafter, file another bond, to be approved by said clerk.

Clerk to give notice to officer

SEC. 4. If said sheriff, coroner, justice, probate justice, constable, school commissioner, or collector of State and county revenue, as the case may be, shall not, in the time and manner aforesaid, file bond to be approved as aforesaid, the said office shall become vacant, and the said vacancy shall be filled as required by law.

When office is vacated

SEC. 5. If a new bond shall be given by any officer, as provided in the foregoing sections of this act, then the former securities shall be entirely released and discharged from all liabilities incurred by any such officer, in consequence of business which may have come to hand from and after the time of the approval of the said new bond, and the sureties to the new bond are hereby declared to be liable for all the official delinquencies of said officers, whether of omission or commission, which may occur after the approval of the new bond as aforesaid.

When former securities to be released

SEC. 6. If any sheriff, coroner, justice of the peace, probate justice of the peace, constable, school commissioner, or collector of State and county revenue, shall embezzle, or appropriate to his own use, any money which may be paid them by virtue of their offices, they shall be liable to be indicted therefor, and upon conviction thereof, the court shall pass judgment that the office held by such officer shall be vacated; and a new election shall be held to fill the vacancy thereby created.

Officers embezzling money to be indicted

SEC. 7. It shall be the duty of such sheriff, coroner, justice

Officer failing to give new bond to deliver over papers to his securities

of the peace, probate justice of the peace, constable, school commissioner, or collector of State and county revenue, if he shall fail to give bond as provided for in this act, to deliver over to his sureties forthwith all books, moneys, vouchers, papers, and every description of property whatever, pertaining to his said office, and the said sureties may at any time, after said failure to file said bond, maintain an action of replevin or other appropriate action to recover such property, money, or effects from their said principal.

Officer failing to comply with this act subject to indictment

SEC. 8, If any officer, designated in the foregoing sections of this act, shall fail to deliver any money, property, or effects, as aforesaid, to his securities, or shall act or attempt to act in his said office after failing to give a new bond as aforesaid, he shall be deemed guilty of a high misdemeanor, and upon indictment and conviction therefor shall be fined in any sum not less than five hundred dollars nor more than five thousand dollars.

Securities not released from liabilities incurred before filing new bond

SEC. 9. The provisions of this act shall not be so construed as to operate as a release of the securities of any of the aforesaid officers for liabilities incurred previous to the filing of a new bond as required in the foregoing sections of this act.

This bill having been laid before the Council of Revision, and ten days not having intervened before the adjournment of the General Assembly, and the said bill not having been returned with the objections of the Council on the first day of the present session of the General Assembly, the same has become a law.

Given under my hand, this fifth day of December, 1842.

LYMAN TRUMBULL, *Secretary of State.*

In force,
Mar. 3, 1843.

AN ACT for the relief of Calvin Gold.

Preamble

WHEREAS, Calvin Gold, on the ninth day of January, one thousand eight hundred and thirty-two, purchased of the cashier of the branch of the old State Bank of Illinois, at Shawneetown, the south-east quarter of section thirty-four, in township nine south, of range nine east, at and for the sum of four hundred and twenty dollars, which land was sold by the said cashier as the property of the State; and whereas, at the July term, one thousand eight hundred and thirty-eight, of the Gallatin circuit court, the said Gold was evicted from said land in a certain action of ejectment, brought on the demise of Timothy Guard, under a permanent title; therefore,

Auditor to draw a warrant in favor of Calvin Gold

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the treasury, in favor of said Gold, for the sum of four hundred and ninety-four dollars and fifty-four cents, which shall be in full for the claim of said Gold against the State on account of the premises; *Provided,* that said Auditor shall

compute interest on the above sum from the first day of January, one thousand eight hundred and thirty-nine, till issuing said warrants at the rate of six per cent. per annum.

APPROVED, March 3d, 1843.

AN ACT for the relief of William Manning, the collector of Shelby county. In force,
Mar. 3, 1843.

WHEREAS, William Manning, the assessor of Shelby county, Preamble
for the year one thousand eight hundred and forty-two, failed to assess all of the taxable property in said county for that year; and whereas, David Harris is the collector of the revenue of Shelby county for said year; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois,* Harris may
represented in the General Assembly, That David Harris be assess certain
and he is hereby authorised and required to assess any property in
property, real or personal, in Shelby county, which was liable to Shelby co.
taxation for the year one thousand eight hundred and for 1842
forty-two, in the same manner as the said property could and
should have been assessed by said Manning, and the owners of
property shall have the same rights under said assessment as
though it had been assessed by said assessor.

SEC. 2. The county commissioners' court of Shelby county To give bond
shall require such additional bond to be given by, and require
such oath to be administered to, said David Harris, as may be
necessary to require and insure a faithful discharge of the duties
provided for in this act, and said Harris shall proceed to
collect the taxes so assessed, and pay over the same, as in
other cases. This act to be in force from and after its passage.

APPROVED, March 3d, 1843.

AN ACT to authorise the sheriff of Shelby county to sell non-resident lands for taxes due for one thousand eight hundred and forty-one. In force,
Mar. 3, 1843.

WHEREAS, by the neglect on the part of the collector of Shelby county, and a mistake in advertising non-resident lands Preamble
for the year one thousand eight hundred and forty-one, no revenue has been collected in said county on non-resident lands; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois,* Non-resident
represented in the General Assembly, That the sheriff of the land may be
county of Shelby be and he is hereby authorised to sell the sold where the
non-resident lands lying in the county of Shelby, for which taxes are unpaid for 1841
taxes are due for the year one thousand eight hundred and
forty-one, any law to the contrary notwithstanding; and said
sale shall be as valid and good as though they had been sold
under the revenue laws of this State.

APPROVED, March 3d, 1843.

In force, AN ACT making compensation to Elijah Willard, formerly a commissioner of the board of public works.
Mar. 4, 1843.

Compensa-
tion to Elijah
Willard

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be and he is hereby required to draw his warrant on the State Treasurer in favor of Elijah Willard, for three hundred and eighty-five dollars and sixty-one cents, in full compensation for money paid by him, in satisfaction of a judgment obtained against him, for damages done a mill and mill-dam, and all costs, damages, expenses, and charges in said case, whilst said Willard was acting as a public officer of the State.

APPROVED, March 4th, 1843.

In force, AN ACT for the relief of John G. McHattan, late sheriff for Schuyler county, also late sheriff and collector for Schuyler and Brown counties.
Mar. 4, 1843.

McHattan al-
lowed to col-
lect certain
taxes

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John G. McHattan be allowed, and he is hereby authorised to collect all taxes due and remaining unpaid in the counties of Schuyler and Brown, to him as sheriff and collector for the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty eight, and in the county of Schuyler for the year one thousand eight hundred and thirty-nine, agreeably to and according to the different laws then in force in each of said years, and they are hereby revived and made in full force for this express purpose, and no other.

May adver-
tise and sell
lands

SEC. 2. That said sheriff and collector, in order to collect said taxes, may advertise lands and town lots for sale, on the second Monday succeeding the fall terms of the courts of said counties of Schuyler and Brown, and the lands and town lots lying and being in Brown county shall be sold at the county seat thereof; *Provided*, judgment be had for the year one thousand eight hundred and thirty-nine; sale to be advertised six weeks previous to said term of court, time and place of sale made known as required by law, at the above respective dates; this law to be in force from and after its passage, any law to the contrary notwithstanding; *Provided*, that said sheriff and collector be required to execute to the county commissioners' court, a bond with approved security, for the faithful performance of the duties required by this act, before proceeding to collect said taxes.

APPROVED, March 4th, 1843.

AN ACT for the relief of William Warnick, late a collector of taxes in Macon county. In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Warnick, Collector of Macon co. late a collector of taxes in and for the county of Macon, for the year one thousand eight hundred and forty, be and he is hereby authorized to proceed to collect the revenue which remains due and unpaid for the year one thousand eight hundred and forty, in the county of Macon, and that he is hereby vested with the same powers in making said collections as he might have used and exercised while in office as aforesaid, and the said collector shall have the same right to proceed to sell lands, on which the taxes of that year have not been paid, as he had in the year one thousand eight hundred and forty, and said lands shall be advertised and sold in the same manner as they would have been had the same been sold in the time prescribed by law. for 1840 may collect unpaid tax for that year

SEC. 2. All lands sold under the provisions of this act shall be subject to redemption in the same time and manner as other lands sold under the provisions of the general revenue laws; but by redeeming lands sold under the provisions of this act the owner or owners shall not hold them as redeemed from other sales but shall be required to redeem from other sales according to law, or the rights of purchasers under such sales shall remain valid and unimpaired. Lands sold under this act subject to redemption

APPROVED, March 4th, 1843.

AN ACT to provide for the collection of the revenue due from delinquents in the county of Gallatin, for the year one thousand eight hundred and forty-one. In force, Jan. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of Benjamin Bruce, collector of the revenue for the county of Gallatin, for the year one thousand eight hundred and forty-one, to deliver to the clerk of the county commissioners' court of said county, the delinquent list of tax payers of said county, for said year, and upon such delivery it shall be the duty of the said clerk to credit the said Benjamin Bruce with the amount of said list, and to execute to him a receipt therefor; *Provided*, it shall be the further duty of the said clerk to deliver said list to the present collector of said county, who shall proceed to collect the same, if it be practicable, as is now provided by law. B. Bruce to deliver delinquent list to cl'k of Gallatin county

APPROVED, January 28th, 1843. Collection of same

In force, AN ACT in relation to the revenue of one thousand eight hundred and
Feb. 20, 1843. forty-two.

Tax list of 1842 to be delivered to collector
Fees of collector
Tax collected in gold or silver or Auditor's warrants
Payment of half assessment to be a discharge &c.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerks of the county commissioners' courts of the several counties in this State who may not have delivered to the collectors of their respective counties the lists of taxable property for the year one thousand eight hundred and forty-two, be required to deliver the same forthwith to such collectors and take duplicate receipts therefor as already provided by law, and the collectors of the several counties shall, on or before the twentieth day of March next, charge fifteen cents upon every hundred dollars worth of property embraced in the lists of taxable property for the year one thousand eight hundred and forty-two, for State purposes, and shall thereupon proceed to collect the amount thus charged from the owners of such property or the person in whose name the same may have been listed or assessed for taxation, in gold and silver coin and Auditor's warrants, except those warrants issued under a settlement with the Bank of Illinois, at Shawneetown, by virtue of the provisions of an act entitled "an act to provide for the payment of certain debts due from the State to the Bank," approved February twenty-sixth, one thousand eight hundred and forty-one, and the payment of the amount charged as aforesaid by the owners of taxable property shall be in lieu of the tax assessed for the year one thousand eight hundred and forty-two, upon such property for State purposes and in full discharge of the same; and the said collectors, in the settlement with the Treasurer of the State, shall account for the amount thus charged and no more.

Tax to be refunded to persons who have paid full amount &c.

SEC. 2. All collectors who may have collected the taxes of one thousand eight hundred and forty-two, at the rate of thirty cents on each hundred dollars worth of property in gold or silver coin, shall, on the application of the person or persons from whom the same was collected, refund the amount so collected over and above the amount required to be collected by the previous section and take receipts for the same.

By what time to be paid into State Treasury
Proviso

SEC. 3. The collectors of the revenue of the several counties shall pay into the State Treasury, on or before the first Monday of September next, in the year one thousand eight hundred and forty-three, all the taxes of the year one thousand eight hundred and forty-two, collected by them for the use of the State, deducting their commission for collection, and the said collectors are hereby released from all penalties which may have heretofore accrued against them in consequence of neglect in collecting the revenue of one thousand eight hundred and forty-two; *Provided*, they comply with the provisions of this act, and they are hereby authorized to advertise and sell delinquent lands and do all other acts at any convenient time to enable them to make the aforesaid collec-

tions and settlements with the Treasury as provided for in this act.

SEC. 4. If any of the collectors of revenue, in the different counties of this State, shall fail to give bond and security as now required by law, or shall refuse to accept the office or resign, and no person shall be immediately appointed who shall accept the office, then the sheriff of the county, upon being notified of the same by the clerk of the county commissioners' court, shall be ex-officio collector and shall do and perform all the duties of said office, and receive the emoluments of the same. Sheriff to act as collector, in certain cases

SEC. 5. The county commissioners of the respective counties shall have power to collect any *pro rata* amount of the tax assessed for the year one thousand eight hundred and forty-two, for county purposes, in gold and silver coin and county orders only, and remit any amount of the taxes assessed for said year; *Provided*, that any amount remitted shall be *pro rata*, among the tax payers, that according to the amount of tax to be paid by each tax payer; *And provided, further*, that this section shall not be construed as compulsory upon the said courts to remit any portion of the taxes for the year one thousand eight hundred and forty-two, but only as vesting them with discretion for that purpose. Counties may collect tax for co. purposes

SEC. 6. All warrants now outstanding which may have been drawn on the State Bank, shall be considered as drawn upon the Treasury, and shall be payable by the Treasurer as other warrants. Warrants upon bank, how paid

SEC. 7. The provisions of an act entitled "an act regulating the sale of property on judgments and executions," approved January sixth, one thousand eight hundred and forty-three, shall have no application to the sale of property for taxes, and shall have no force or effect upon the valuation of the same. Valuation law not to apply to sale of property for tax

SEC. 8. This act shall be immediately published in the newspaper published by the public printer. This act to be in force from and after its passage. Publication of this act

SEC. 9. That sections four, five and six of an act entitled "an act to provide for the payment of interest on the public debt," approved February twenty-seventh, one thousand eight hundred and forty-one, and all acts coming within the purview of this act, are hereby repealed. Parts of former law repealed

APPROVED, February 20th, 1843.

AN ACT to enable the collector of Monroe county to collect the delinquent taxes of 1839.

In force.
Feb. 21, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That it shall be lawful for the collector of Monroe county, and it is hereby made his duty to procure the delinquent tax list of said county for the year Collector of Monroe co. to collect delinquent list for 1839

1839, and advertise the same as now required by law; and it shall be his further duty to present said delinquent list at the spring term of the Monroe circuit court, and obtain a judgment against all such tracts of land as the taxes remain due and unpaid upon for said year; and he shall proceed to carry this act into effect by complying with and performing all the duties of the act entitled "an act concerning the public revenue," approved February 26th, 1839, and the acts amendatory thereto. And the sheriff and clerks of said county are hereby required to perform such duties in the premises as are now required by law in the sale of delinquent lands for taxes.

SEC. 2. This act to take effect and be in force from and after its passage.

APPROVED, February 21st, 1843.

In force, AN ACT to authorize Calvin Boyd and James Shepherd to collect certain taxes.
Feb. 24, 1843.

Collector of Clark co. to collect taxes due for 1841

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Calvin Boyd, late collector of Clark county, for the year one thousand eight hundred and forty-one, be and he is hereby authorized to proceed to collect the revenue which remains due and unpaid in the county of Clark for the year one thousand eight hundred and forty-one, and that he is hereby vested with the same powers in making said collections as he might have used and exercised while in office as aforesaid; and the said collector shall have the same right to proceed to sell lands on which the taxes of that year have not been paid, as he had in the year one thousand eight hundred and forty-one, and said lands shall be advertised and sold in the same manner as they would have been had the same been sold in the time prescribed by law.

Collector of Sangamon co. to collect tax due for 1840

SEC. 2. James Shepherd, late collector of Sangamon county, shall have the same power and privilege in collecting the taxes of one thousand eight hundred and forty, and in selling land for said taxes, as are given in the first section of this act, and the proceedings in selling said lands shall be the same as prescribed in the first section hereof. This act to take effect from and after its passage.

Lands sold under this act subject to redemption

SEC. 3. All lands sold under the provisions of this act shall be subject to redemption in the same time and manner as other lands sold under the provisions of the general revenue laws, but by redeeming lands sold under the provisions of this act the owner or owners shall not hold them as redeemed from other sales, but shall be required to redeem from other sales according to law, or the rights of purchasers under such sales shall remain valid and unimpaired.

APPROVED, February 24th, 1843.

AN ACT concerning the revenue.

In force,
Feb. 25, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Treasurer of the State be and he is hereby authorized to pay out upon the warrants of the Auditor, all the paper now in the Treasury issued by the State Bank of Illinois and the Bank of Illinois at its highest current value, but in no case for a less sum than fifty cents on the dollar; *Provided,* that no payments shall be so made on warrants owned or held by either bank, or by school commissioners, or treasurers of the school, college, or seminary funds.

Depreciated
paper in the
treasury may
be paid out
on Auditor's
warrants

SEC. 2. This act to be in force from and after its passage.

APPROVED, February 25th, 1843.

AN ACT to amend an act entitled "an act concerning the public revenue," In force, approved Feb. 26, 1839, and an act supplemental to said act, approved Mar. 6, 1843. March 1st, 1839.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the rate of taxation for the year one thousand eight hundred and forty-three, and forever thereafter until otherwise provided by law, shall be twenty cents for every hundred dollars worth of taxable property, to be collected from the owners of such property in gold and silver coin and Auditor's warrants, and in no other currency, for the purpose of defraying the expenses of the State government; *Provided, however,* that an act entitled "an act to provide for the payment of interest on the public debt," approved February twenty-seventh, one thousand [eight hundred] and forty-one, be and the same is hereby suspended for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three, and until the next regular session of the General Assembly.

Rate of taxation collected
in gold and
silver and
warrants

SEC. 2. The county treasurer for each county shall be ex-officio assessor for his county, and shall take and subscribe the oath, and perform all the duties required by law of such assessor, and be subject to the same liabilities and penalties, and upon a refusal to qualify and act as aforesaid, his office shall be considered vacant, and it shall be the duty of the county commissioners' court to appoint some suitable person to fill such vacancy, who shall qualify and act as aforesaid, until his successor shall be duly elected and qualified. The said county treasurer shall keep his office at the county seat of his county, and on failure to do so his office shall be vacated, and the county commissioners' court shall appoint his successor to fill such vacancy.

Co. treasurer
ex officio as-
sessor

SEC. 3. The clerk of the county commissioners' court shall hereafter cause to be delivered annually to the said assessor, on or before the first Monday of March, a transcript from the

List of taxable lands delivered annually to assessor

book of the Auditor containing a list and description of all taxable lands lying within his county, with the names of the purchasers from the United States and from this State, and of the present owners, when the same are known, and the said list shall specify in a separate and distinct manner all delinquent lands and town lots lying within his county, which may have been, previous to that time, sold to the State for taxes, and which may be at the time remaining unredeemed from such sale; *Provided, however,* that after the first assessment, the list annually delivered to the assessor shall not embrace the unredeemed lands and town lots sold to the State, which has been before specified and assessed, but such other lands and town lots as may have been sold in the mean time and which remain unredeemed.

Assessor shall proceed to assess property

SEC. 4. The assessor of each county shall, upon the receipt of said abstract and list, proceed to make out lists of all taxable property within his county, which lists shall be in tabular form, with separate columns for the names and owners of property, the kind of property assessed, the assessed value of each kind, and the whole value of each person's taxable property, and such other columns as he may think necessary; *Provided, however,* that the said assessor shall make out a separate list for all delinquent lands and town lots previously sold to the State for taxes, and of which the State shall be still the owner, and assess the value of the same as in other cases.

Assessor may require persons to give in list of their property under oath

SEC. 5. Each assessor, as aforesaid, may require each person owning taxable property in his county, to give in under oath, if the assessor shall deem it necessary, by himself or agent, first, a description of all his taxable lands by townships, ranges, quarter sections, tracts, lots, or parts thereof, and the number of acres in each tract, with the improvements thereon; second, all town lots, with the improvements thereon; third, all pleasure carriages, whether with two or four wheels; fourth, all horses, mares, jacks, jennies, mules, slaves, neat cattle, and all other description of personal property, including household furniture and money on hand; fifth, all capital employed each year in merchandising, to be ascertained by adopting, as a criterion, the value of the greatest amount of goods on hand at any time in the year, including brokers, bankers and money changers; *Provided,* that nothing in this act, or in any other law of this State, shall be so construed as to require any person or persons to list lands with the assessor unless he or she has a clear and undisputed title to the same; but in all such cases, the land so listed, shall be listed by the assessor in the name of the person or persons to whom it is patented, or in the name it was entered; *Provided, further,* that persons owning lands may list the same in sections, half sections, or other legal sub-divisions, notwithstanding they may have been purchased in smaller tracts.

Proviso

Further proviso

SEC. 6. The assessor shall value each tract of land or lot separately, and each species of personal property separately.

SEC. 7. The assessor of each county shall cause a notice to be posted up in three different places in each election precinct, and in three different places at the county seat, one of which shall be the door of the court house, if any, and shall cause the same to be inserted in any newspaper published in his county, if any be published therein, for the space of three successive weeks; stating in each notice upon what successive days, not less than two, he will attend in such precincts, at the place of holding elections, or at some other equally public and convenient place, for the purpose of taking an account of the taxable inhabitants and property of such precinct; and the said assessor shall attend in each precinct, at the time and place designated in said notice, and also, at his office at the county seat of his county, on each Saturday, during the months of May and June, for the same purpose.

SEC. 8. If any person, or corporation, owning taxable property in such county, shall fail to attend in person or by his agent, and give an amount of his taxable property at the time and place appointed in his precinct, or at the county seat during the time appointed for that purpose, the assessor, in such case, shall ascertain, by the best means in his power, the taxable property belonging to such person or corporation, and the value thereof, the assessor shall add six per cent. on the amount of such tax to the same, to be collected for the use of the assessor to compensate him for his extra trouble of assessing said property; and if any person, when called on at his residence by the assessor, shall refuse to furnish such list, or shall at any time furnish a fraudulent list of his property, the assessor shall, in like manner, ascertain his property and the value thereof, and as a penalty for such refusal or fraud he shall assess such property at double its value.

SEC. 9. If by any means any tract of land, or town lot, or other property, shall be omitted in the list, or the assessment of any particular year, or series of years, the same, when discovered, shall be assessed by the assessor for the time being, and placed upon the assessment list with the arrearages of tax which ought to have been assessed, and six per cent. interest on the same; which interest shall be paid to the assessor himself in addition to his other fees.

SEC. 10. Each assessor shall, on or before the third Monday of July, deliver to the clerk of the county commissioners' court of his county the abstract of lands furnished him by said clerk, and also two distinct lists, one of which shall contain a description of all delinquent lands and town lots sold to the State for taxes, and still owned by the State, and the value of the same; the other shall contain a description of all other taxable property within the county, except the delinquent lands and town lots aforesaid, with the names of the owners and the value of the same. And it shall be the duty of the said clerk to file away the said lists, and make out two correct copies of the same, and on or before the second Monday of

Assessor
to give notice
of time and
place he will
attend in
each precinct

Person failing
to list his prop-
erty shall
forfeit six per
cent.

Persons refu-
sing, property
assessed at
double its
value

Property e-
mitted, to be
afterwards
assessed

Assessor to
deliver to clk
abstract of
lands

Duty of co.
clerk

September, transmit a transcript of the first list, embracing unredeemed delinquent lands and town lots sold to the State, to the Auditor of Public Accounts, and deliver a transcript of the second list, embracing the residue of the taxable property within such county, to the collector of said county, for the purpose of collection.

Sheriff to be
ex-officio col-
lector

SEC. 11. The sheriff of each county shall be ex-officio collector of taxes for his county, and shall take and subscribe the oath, and perform all the duties required by law of such collector, and he shall give a bond similar to that required to be given by the collector, and shall be subject to the same liabilities and penalties; and upon refusal to qualify and act as collector, his office as sheriff shall be considered vacant, to be filled as in other cases of vacancy.

Duty of col-
lector

SEC. 12. The collector of each county, upon receiving the assessment list from the clerk of the county commissioners' court of his county, and giving a receipt for the same, shall proceed to collect the taxes charged upon said list, by causing a notice to be posted up in three different places in each election precinct, and in three different places at the county seat; one of which shall be the door of the court house, if any, and shall cause the same to be inserted in any newspaper published in such county, if any be published therein, for the space of three successive weeks; stating in each notice upon what day, or successive days, the collector will, by himself or agent, attend in such precincts at the place of holding elections, or at some other equally public and convenient place, for the purpose of receiving taxes, and the said collector or his agent shall attend for the purpose aforesaid, on the day and at the place named in such notice, and shall also attend, by himself or agent, at his office at the county seat during the month of December for the same purpose: *Provided, however,* that the said notice shall be considered a demand for the taxes sufficient to create the lien specified in the sixteenth section of the act to which this is an amendment. The collectors of the several counties shall hereafter pay over all county orders, collected by them for the payment of taxes, to the county commissioners at each term of said court.

Co. orders to
be paid over
at each term

Taxes to be
paid before
first January

SEC. 13. If any person shall fail to pay the taxes charged against him, on or before the first day of January next, after the publication of said notice, the said collector shall distrain his personal property, and proceed to sell the same as already prescribed by law; and if he be unable to find any personal property of such person in his county to distrain, he shall then proceed to sell the delinquent lands and town lots according to the provisions of the act to which this is an amendment.

Taxes to be
paid into
State treasury
by first
Monday of
March

SEC. 14. The collectors of the several counties shall pay annually into the State treasury, on or before the first Monday of March, all the taxes of the preceding year collected by them for the use of the State, and shall make a final settlement at the time, and in the manner, already provided by law.

SEC. 15. The clerk of the county commissioners' court of each county shall, on or before the second Monday of September, after the return by the assessor of his county of the assessment list of delinquent lands and town lots sold to the State for taxes, and remaining unredeemed, make out a correct copy of such list, and transmit the same to the Auditor of Public Accounts, who shall file the same away in his office.

Co. cl'ks to
transmit list
to Auditor

SEC. 16. The Auditor, in calculating the amount of tax, interest, and costs, upon the delinquent lands and town lots aforesaid, for the purpose of redemption or sale, shall take the assessment aforesaid as a basis, and to the tax, interest, and cost due on said lands or lots, add an annual tax according to said assessment, and ten per cent. of an additional amount; and all persons claiming the said lands and lots may redeem the same at any time before their sale, by payment of the amount of tax, interest, and costs, thus calculated up to the time of such redemption.

Provision for
redemption of
delinquent
lands

SEC. 17. On the first day of May, 1847, or as soon thereafter as may be, and at the same time every fourth year, the Auditor shall cause the delinquent lands and town lots which may at the time remain unredeemed and owned by the State, and which the State may have previously acquired for taxes, to be advertised in the newspaper published by the Public Printer at the seat of government, for four successive weeks, describing the said lands and town lots in the most simple and convenient manner, the amount of tax, interest, and costs due thereon, and the time of sale; and at the time designated in said advertisement, the Auditor shall cause the same to be offered for sale at the State House, in the city of Springfield, and shall continue the same from day to day for the space of two weeks, and any person may purchase or redeem said lands and town lots at any time thereafter, by paying the amount due upon them, together with the cost of advertising; and the Auditor, at the time of sale, shall be aided by the treasurer, who shall keep a registry of the money received, and the same shall be paid into the treasury, and duplicate receipts taken therefor, one of which shall be given to the purchaser, and the other shall be filed in the office of the Auditor; and upon application being made by any county, the Auditor shall draw his warrant on the treasury in favor of the treasurer of said county, for the proportion due said county for taxes, out of the proceeds of the sale and redemption of such lands and town lots; but if any lands or lots shall be sold by the Auditor for taxes, and shall be bid in by the State, the Auditor shall not sell the same again for taxes until four years shall have elapsed from and after such previous sale.

Delinquent
lands owned
by the State
to be sold

Counties to
draw their
portion out of
proceeds of
sale

SEC. 18. Upon the sale of any of the lands and town lots, as contemplated in the foregoing section, the Auditor shall execute and deliver a deed to the purchaser, which shall be good and valid in law, for conveying the title of the said lands or town lots.

Auditor to
make deeds

Auditor to
transmit lists
of lands to
clerk

SEC. 19. It shall be the duty of the Auditor of Public Accounts, in the month of January annually, to make out and transmit to the clerk of the county commissioners' court of each county, a full and correct report of all delinquent lands and town lots lying within such county, not before reported, which have been redeemed from previous sale for taxes to the State.

Co. court to
assess co. tax

SEC. 20. The county commissioners' courts of the several counties in this State, in assessing taxes for county purposes, shall not exceed the amount of tax authorised to be assessed for county purposes, as allowed by an act authorising county commissioners' courts to assess a tax for road purposes; which tax shall be collected in gold and silver coin, in county orders issued by the county, jury certificates, and in nothing else. The fifteenth section of an act concerning public roads, approved February twentieth, eighteen hundred and forty-one, be and the same is hereby repealed.

To be paid in
specie or or-
ders

Fees allowed
under this act

SEC. 21. The following fees and compensation shall be hereafter allowed to the following officers and persons herein named, for services rendered under the provisions of the act to which this is an amendment; to each assessor, a sum not exceeding two dollars per day for every day necessarily employed in the performance of his duty in the different precincts, to be verified to the county commissioners' court, one-half to be paid out of the State treasury, and the other half out of the county treasury; to each collector for collecting and paying over taxes, three per cent. on the amount paid over, the same to be paid by the State and county, in proportion to the amount paid over to each; the collectors of the several counties shall hereafter be allowed two dollars for every forty miles necessary to be travelled in going to and returning from the seat of government for the purpose of paying over the State revenue; which sum shall be paid out of the State treasury; to each clerk of the county commissioners' court for making transcript of lands listed for taxation, and of delinquent lands and town lots sold to the State for taxes and unredeemed, and for transmitting the list of lands sold for taxes, and the list of lands unredeemed from sale to the State, to the Auditor of Public Accounts, one cent for each lot or tract included in said lists, one half of the same to be paid by the State and the other half by the county; for assisting the sheriff in selling lands for taxes, twenty-five cents for each lot, tract, or parcel of land sold, for which a certificate is given, to be paid, charged, and collected as other costs; for making transcript for assessors, two cents for each lot or parcel of land included in each transcript, to be paid out of the county treasury; to sheriffs, for each tract of land or town lot sold for taxes, five cents, to be collected as costs; for each sheriff's deed twenty-five cents, to be paid to the sheriff by the person receiving such deed; to each clerk of the circuit court, for receiving and recording the collector's return, six cents for each tract or lot contained in such report, to be taxed and collected as costs;

and to each printer for publishing advertisements for the sale of lands for taxes, four cents for each lot or parcel of land advertised, to be paid out of the State treasury, and to be afterwards taxed and collected as costs. Each printer shall be required to transmit by mail, two numbers of each paper containing such advertisement, to the Auditor of Public Accounts, two to the Treasurer of State, and two to the clerk of the county commissioners' court of the county in which the land lies, to be by them filed and kept.

SEC. 22. All the provisions of the act to which this is an amendment, in force and coming in conflict with the provisions of this act, are hereby repealed. Act repealed

SEC. 23. That all persons aggrieved by the assessment of assessors in any county of this State, the assessments of which have been legalized by the Legislature during this session, and who were deprived of the opportunity of taking an appeal from such assessments by reason of such assessments having been illegally made, or not returned in proper time, may appeal to the next June term of the county commissioners' court for the purpose of having the said assessments investigated and regulated. Provision for appeals in regard to assessment

SEC. 24. The Secretary of State is hereby required, as soon as this bill becomes a law, to forward a copy of the same to each clerk of the several county commissioners' courts in this State. Sec. of State to publish this act

SEC. 25. It shall be the duty of the Secretary of State to cause this act to be printed, and to transmit a copy to the clerk of the county commissioners' court of each county of this State. Idem

SEC. 26. The county commissioners of each and every county in this State are hereby authorized to dispose of the uncurrent funds that they may have on hand in the treasury of their counties, to the best advantage. Uncurrent funds disposed of

SEC. 27. So much of sections four and eleven of this act, as makes treasurers ex-officio county assessors, and so much of said sections as makes sheriffs ex-officio collectors, shall not be considered as in force until the first day of March, one thousand eight hundred and forty-four, unless their collectors who may be appointed shall refuse to qualify or accept their office as now provided by law. Treasurer & sheriff not to be collectors till first Mar.

SEC. 28. So much of the ninth section of the "act to amend 'an act concerning the public revenue,' approved February twenty-sixth, eighteen hundred and thirty-nine," approved February first, one thousand eight hundred and forty, as repeals any portion of the thirty-first section of the act concerning public revenue, be and the same is hereby repealed, and the provisions of the thirty-first section of the before recited act is hereby declared to be in full force and effect. Acts repealed

SEC. 29. That in case any person shall have paid the full amount of his State tax for the year eighteen hundred and forty-two, in other funds than gold and silver, he shall be entitled to demand and receive from the collector to whom such Persons having paid taxes in paper may tender collectors one-half in specie

payment was made, the whole amount of his tax for such year, upon the payment of one-half that amount in gold and silver or Auditor's warrants, and if the collector shall neglect or refuse to pay back such amount upon the tender of the gold and silver or Auditor's warrants, the person or persons aggrieved may sue for and recover the amount of his taxes so withheld, before any justice of the peace having jurisdiction thereof; *Provided*, Such collector shall have such money on hand at the time of such demand.

Excess of 15
per cent. to
be paid into
treasury

SEC. 30. That any and every collector in this State shall pay into the State Treasury any such tax, over and above the fifteen cents on the hundred dollars, as shall not be demanded of him by the person entitled thereto, before the time prescribed by law for the making of his returns to the Auditor of the State.

Act repealed

Clerks liable
for redemp-
tion money

Vacancy how
filled

SEC. 31. That the first section of the supplementary act concerning the public revenue, approved the first of March, eighteen hundred and thirty-nine be and the same is hereby repealed; and hereafter clerks of the county commissioners' courts shall be held liable for all redemption money which may come to their hands as such, and shall pay the same over on demand being made by a proper person, and in case of failure or refusal so to do when demanded as aforesaid, their office shall be considered as vacated, and thereupon the county commissioners' court shall appoint some suitable person to fill such vacancy, until the same shall be filled as now provided by law.

Lands in cit-
ies not laid
out in lots not
to be taxed

SEC. 32. That from and after the passage of this act no city or town corporate shall levy or collect any tax for city or corporation purposes, upon any real estate lying within the limits of any city or corporation, except upon such lands as may be laid out into town lots, and the plats thereof recorded.

Certain sec.
of an act de-
clared to be
in force

SEC. 33. The third section of an act entitled "an act to provide for the payment of interest on the public debt," be and the same is hereby declared to be in full force and effect, any thing in this act, or in the act to which this act is an amendment, to the contrary notwithstanding. This act to take effect from and after its passage.

APPROVED, March 6th, 1843.

In force,
Mar. 6, 1843.

AN ACT to amend an act entitled "an act concerning the public revenue," approved February 26th, 1839; and to legalize the assessment of property in the county of La Salle for the year 1841, and to provide a remedy where certificates of the purchaser of land for taxes have been lost.

Certificates of
purchase of
lands sold for
taxes may be
assigned

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That every certificate which shall be given by the clerk of any county court to any purchaser of land that may be sold for taxes, shall be assignable by endorsement thereon, under the hand of such purcha-

ser or purchasers, his, her, or their heirs, executors, administrators, or assigns, and every person to whom the same shall be so assigned, shall be entitled to the same benefits therefrom in every respect that the person therein named would have been if the same had not been assigned; and in case the lands mentioned in such certificate shall not be redeemed in pursuance of law, shall be entitled to a deed therefor. The provisions of this act shall apply to all certificates heretofore issued as well as those that may be hereafter issued.

Assignee entitled to deed if land is not redeemed

SEC. 2. The assessment made for La Salle county for the year 1841, is hereby declared legal in every respect; the same as if the original minutes of the assessor had been returned instead of a copy of the same.

Assessment of La Salle for 1841 legalized

SEC. 3. Whenever any person, either as original purchaser or assignee, is entitled to deeds for more than one tract of land under the same sale, he shall have the right to require the sheriff to include all the said tracts, or as many thereof, as he may designate, in one deed; *Provided*, that in all cases where the certificate of purchase of any lands heretofore sold or hereafter to be sold for taxes, have been lost or mislaid, that the proper owner may by proof, by his own oath or otherwise, of such loss, obtain from the clerk of the court issuing the same a second certificate of purchase as shown by the records of his office, noting the nature of the case upon said records, which certificate shall be sufficient evidence of the purchase of said lands, and the owner shall be entitled to a deed or deeds accordingly.

Several tracts may be included in one sheriff deed

Proviso

APPROVED, March 6th, 1843.

AN ACT concerning the public revenue, and for other purposes.

In force, Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That it shall be the duty of the Auditor forthwith to cause suits to be instituted on the bonds of all former collectors of the revenue who have failed to pay up the balances due from them respectively.

Suits against delinquent collectors

SEC. 2. That there be allowed to the Auditor of Public Accounts in addition to what is already allowed him, the sum of three hundred and fifty dollars for each of the years 1843 and 1844, for clerk hire.

Compensation to Auditor

SEC. 3. That the county commissioners' court, of each and every county in this State, be authorised to dispose of the uncurrent money that they may have on hand in their respective counties to the best advantage.

Com'rs may dispose of uncurrent funds

APPROVED, March 6th, 1843.

In force,
Feb. 28, 1843.

AN ACT to amend "an act declaring Spoon river a navigable stream."

Spoon river a
navigable
stream

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Spoon river be and the same is hereby declared a navigable stream from its confluence with the Illinois river to the north line of Fulton county, and the same shall hereafter at all times be a public highway and free for the passage of boats and water crafts from the mouth of said river up to the said north line of said county.

Dam may be
erected

SEC. 2. Any person or persons wishing to build a mill-dam on said river, between the mouth of said river and said north line of Fulton county, may have permission so to do by constructing and keeping in good order, for the passage of boats and water crafts, to said dam, a lock at least twenty feet in width and eighty feet in length; and also, making an apron to said dam, with a slope lying at an angle of not more than forty-five degrees.

Locks and
aprons to be
made for dams
now erected

SEC. 3. Any person or persons now having a mill-dam on said stream between the mouth thereof and the said north line of said Fulton county, unprovided with a lock and apron as aforesaid, shall, within two years after the passage of this act, construct such lock and apron, and in case of failure so to do, shall be subject to a fine of five dollars for each day after the expiration of said two years, he shall suffer said dam to remain without such lock and apron, to be recovered by action of debt in the name of the county commissioners of Fulton county, before any court having jurisdiction of the same, which action may be instituted by any person residing in said county.

Dams be-
tween Comer-
son's mills

SEC. 4. Every person having a dam on said Spoon river, between Comeron's mill, erected since said river was declared navigable to said point, without such lock and apron, shall be subject to a fine of ten dollars for each and every day the same shall be suffered to remain without such lock and apron, after the first day of March, one thousand eight hundred and forty-five, to be recovered in the manner pointed out in the third section of this act.

SEC. 5. All laws and parts of laws conflicting with [this] act are hereby repealed.

APPROVED, February 28th, 1843.

In force,
Feb. 28, 1843.

AN ACT to improve the navigation of the Rapids in Rock river, at Rockford, in the county of Winnebago, and to incorporate the Rockford Hydraulic and Manufacturing Company.

Rockford Hy-
draulic Man-
ufacturing
company

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter mentioned shall be and they are hereby established and declared a body

corporate and politic, by the name and style of the "Rockford Hydraulic and Manufacturing Company," and by that name they and their successors shall and may have perpetual succession.

SEC. 2. The said corporation shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and they may have a common seal, and may alter and change the same at pleasure. General powers

SEC. 3. The said corporation shall be capable of purchasing and holding any estate, real and personal, necessary to promote the objects of said corporation, and of conveying said estate at pleasure; *Provided*, that they shall not at any one time hold more than six hundred and forty acres of land. May purchase property

SEC. 4. The capital stock of said company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each; but the said corporation shall have power to increase their said capital stock to any sum not exceeding two hundred and fifty thousand dollars. Capital stock

SEC. 5. Daniel S. Haight, Germanicus Kent, Samuel D. Preston, Laomi Peake, Charles J. Horsman, and George Haskell, of the town of Rockford, and Josiah C. Goodhue, of the town of Chicago, are hereby appointed commissioners to receive subscription for the said stock. Com'rs to receive subscriptions to stock

SEC. 6. Books shall be opened for said subscription at such time and place as a majority of the said commissioners shall appoint, by a notice thereof to be inserted in some public newspaper, at least thirty days previously. Books to be opened

SEC. 7. If the requisite number of shares shall not be subscribed for at such time and place, the said commissioners, or a majority of them, shall take such measures for completing the subscription as they may deem expedient and proper. Duty of commissioners

SEC. 8. Every subscriber, at the time of subscribing, shall pay to the said commissioners the sum of one dollar for each share by him subscribed for. One dollar per share to be paid on subscribing

SEC. 9. Every stockholder shall be entitled at all meetings to one vote for each share he may own at the time, and such votes may be given by proxy. All elections by the shareholders shall be by ballot. Stockholders may vote

SEC. 10. As soon as two hundred shares shall be subscribed for, the commissioners shall call a meeting of the shareholders, for the purpose of electing a treasurer, clerk, and seven directors, by giving notice in some public newspaper thirty days previously; such notice specifying the time and place of such meeting. Meeting of stockholders

SEC. 11. The said commissioners, or such of them as shall be present, shall be inspectors of the said election, and their certificate of such election, and of the names of the persons elected to the respective offices, shall be conclusive evidence thereof, and the directors so elected shall, within ten days thereafter, proceed to choose one of their number as president. Elections

Dam across
Rock river

SEC. 12. The said corporation are hereby empowered and authorized to erect a dam across Rock river, in the rapids, on section twenty-six, township forty-four north, range one east, third principal meridian, being at or near the town of Rockford aforesaid; which dam shall raise the water in said Rock river not more than seven feet.

To build
locks

SEC. 13. The said company shall erect and maintain such lock or locks as may be necessary for rendering the navigation past said dam good and convenient for steamboats drawing three feet of water.

• Tolls for pas-
sing locks

SEC. 14. The said company shall be entitled to demand and receive the following rates of tolls for the passage of said lock or locks, to wit: for steamboats, barges, or keel boats, forty cents per ton, United States measurement; for each flat boat less than forty-five feet in length, three dollars; for each flat boat more than forty-five feet in length and less than ninety feet in length, five dollars; for each raft of timber, plank, or other lumber, measuring sixty feet in length and twenty in width, four dollars; *Provided*, that the rates of toll may be altered or changed at the discretion of the Legislature.

May enforce
collection of
tolls

SEC. 15. They may distrain and detain such craft until such toll be paid, or may sue for and recover the same as a debt before any justice of the peace or court having jurisdiction of the amount of such tolls.

Corporation
shall own
water power

SEC. 16. The said corporation shall be the sole owners of the water power to be produced by the dam aforesaid, and may let, contract or lease the same, or any part thereof to others, or may themselves use such water power, or any part thereof, for any species of manufactures they may think proper to establish, and they may erect offices, buildings, mills, works, and machinery as may be necessary to carry on their business.

Pres't & di-
rectors may
call in capital
stock

SEC. 17. The president and directors, or a majority of them, shall have power to call in the capital stock of said company from time to time, in such one instalments as they may deem best for the interest of the company; but no one instalment shall exceed ten dollars on each share, nor shall the whole amount of calls made within three months exceed fifteen dollars on each share.

Notice to be
given

SEC. 18. Notice of such calls shall be given in some public newspaper, at least thirty days before the time of payment, specifying the day of payment; and in case the same shall not then be paid the sum due on any share or shares shall be recoverable as a debt in any court having jurisdiction of debt to the amount thereof, or the share or so many of the shares of the delinquent stockholder, as shall be necessary to bring the sum due from him, may be sold at auction by order of the directors; of which sale public notice shall be given in some public newspaper, specifying the time and place of such sale. Interest at the rate of seven per cent. per annum shall be charged on the amount of all calls from the time due until paid.

SEC. 19. The directors shall have power to receive in payment of the subscription to said capital stock, bonds and mortgages, bearing seven per cent. interest annually, on unincumbered real estate in this State, at one-half of its appraised value, which value shall be ascertained by three sworn and disinterested persons, who shall be appointed by the circuit judge of the district in which said lands lay, and to obtain a loan to the amount of the capital stock paid in in money, and bonds, and mortgages, and to pledge the same, together with the improvements made by said corporation, for the faithful re-payment thereof. Bonds & mortgages may be received in payment of debts.

SEC. 20. The shares in said corporation shall be deemed personal property, and shall be transferred as such, but no transfer shall be valid until registered in a book to be kept by the company for that purpose. No transfer of any share or shares shall be made until all calls due have been paid. Transfer of stock to be made only on books of company

SEC. 21. The time for annual election of directors, treasurer, and clerk shall be the first Monday of the month in which the first election, of said officers shall happen, as hereinbefore mentioned, and notice thereof shall be given in some public newspaper thirty days previously; *Provided*, that an omission to hold such annual meeting or to elect any officer of said company shall not work a dissolution of said corporation. Time of election of officers

SEC. 22. Any vacancies in the offices of treasurer or clerk may be filled by a temporary appointment by the directors, to continue until the next meeting of the shareholders, and until a successor is elected and qualified. Vacancy how filled

SEC. 23. The treasurer and other officers of the corporation shall, before entering upon their offices, give bonds with security, as the directors may deem necessary, for the faithful performance of their official duties, with such conditions as the directors shall prescribe. Officers to give bond

SEC. 24. The directors may call a special meeting of the shareholders for the purpose of electing officers or transacting other business, upon giving notice of such meeting in some public newspaper, specifying the time and place of said meeting, and at any time, upon a requisition made by a majority in interest of the shareholders, the said directors shall call a special meeting of said corporation by giving public notice as aforesaid. Special meetings

SEC. 25. The directors shall have power to make such by-laws, rules, and regulations as may be deemed expedient and proper for the well ordering of the affairs of the said corporation; not, however, repugnant to the laws of this State or of the United States. By-laws

SEC. 26. The company shall commence the improvement within one year after the organization of the company as aforesaid, otherwise this charter and the powers hereby granted shall become vacated and forfeited. When to commence

SEC. 27. It is hereby provided and expressly declared that the State of Illinois may, at any time after the construction of the State may own dam and locks

aforesaid dam and lock, or locks, assume the same dam and lock, or locks as the property of the State, the State, however, thereby assuming to keep the same constantly in good repair. But all the hydraulic power resulting from the said dam shall be and remain the property of the said corporation forever.

Public act

SEC. 28. This act is hereby declared to be a public act, and shall be construed benignly and favorably for every purpose therein intended.

Stockholders
liable in their
private capa-
city

SEC. 29. The stockholders of this incorporation shall be liable in their private property for all the corporate debts incurred by them in proportion to the amount of stock they may severally hold.

APPROVED, February 28th, 1843.

In force,
Mar. 3, 1843.

AN ACT to authorise Alfred Brown, Woster Ives, and their associates, of Whiteside county, to alter or change the channel of Rock creek.

Channel of
Rock creek
changed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Alfred Brown, Woster Ives, and their associates, be and they are hereby authorised to alter or change the channel of Rock creek, in township twenty north, range four, east of the fourth principal meridian, as follows, to wit: commencing on section twenty-two, thence running in a south-easterly direction, crossing the corner of sections twenty six and twenty-five, thence running through section thirty-six into Rock river, for the purpose of creating a hydraulic power for milling purposes; *Provided,* said change or alteration of the channel of Rock creek shall not effects the rights of other individuals, accruing under the laws of this State, or the laws of the United States.

To build a
saw and grist
mill

SEC. 2. *Be it further enacted,* That the said Alfred Brown, Woster Ives, and their associates, in order to secure the benefits of this act, shall have a saw and grist mill in operation within three years from the passage of this act.

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843.

AN ACT to declare the Snycarty a navigable stream.

Snycarty
made a public
highway

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the Snycarty running through the counties of Adams and Pike as follows, to wit: beginning at the mouth of the big cut-off, thence up said cut-off to the mouth of the little cut-off, thence up said little cut-off to the little Snycarty, thence up said Snycarty to its source, shall be and the same is hereby declared a public highway.

SEC. 2. The said Snycarty aforesaid shall be kept free and open for the passage of all flat boats, rafts, or other water

crafts, and if any person or persons shall obstruct the same in any manner, they shall be subject to indictment before the circuit court of the proper county, and on conviction, shall be subject to a fine not exceeding one thousand dollars and not less than one hundred dollars; *Provided*, that nothing in this act contained shall prejudice the rights or interests of the owners of the Rockport mills heretofore acquired. This act to take effect from and after its passage.

APPROVED, March 4th, 1843.

Penalty for
obstructing
navigation

AN ACT concerning the navigation of Bonpas creek in Edwards county. In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the Bonpas creek in Edwards county, be and the same is hereby declared a navigable stream, from Higgin's mill to its junction with the great Wabash river.

Bonpas navi-
gable stream

APPROVED, March 4th, 1843.

AN ACT to re-locate a part of the State road from Benton, in Franklin county, to Equality, in Gallatin county. In force,
Jan. 21, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Nathaniel Jones, of Franklin county, and James Rogers and Martin Gillet, of Gallatin county, be and they are hereby appointed commissioners to review, mark, and re-locate so much of the State road from Equality to Benton, as lies between Martin Gillet's, at the forks of the road in Gallatin county, to intersect the road as now located from Benton to Equality, at some suitable point near Thomas Lampley's old farm, in Franklin county.

Com'rs to re-
locate road

SEC. 2. The said commissioners, or a majority of them, shall meet at Martin Gillet's, in Gallatin county, on the first Monday in June next, or some day thereafter as soon as practicable, and being duly sworn by some justice of the peace, of Gallatin county, faithfully to re-locate said road, taking into consideration the most eligible and direct route from the said Gillet's, in Gallatin county, to some suitable point at or near Thomas Lampley's old farm, in Franklin county, as expressed in the first section of this act. Said commissioners shall carefully mark the timber in re-locating said road from point to point, and return a survey and plat thereof to the county commissioners' courts of Gallatin and Franklin counties, which shall be recorded by the clerks thereof.

Time & place
of meeting

Com'rs to be
sworn

Duty of com-
missioners

Plat to be re-
turned

SEC. 3. After said re-location shall have been made, and the plat and survey thereof returned, the county commissioners' courts of Gallatin and Franklin counties, are hereby re-

Road to be
opened

Old road vacated

quired forthwith to cause the said road thus located to be opened and kept in repair as other State roads are required to be; and so much of the road as now located, which this act proposes to dispense with by re-locating the same, shall be vacated.

Compensation of com'rs

SEC. 4. The county courts respectively of Gallatin and Franklin counties, shall allow said commissioners such compensation for their services in re-locating said road as they may deem reasonable and just, in proportion to the time they may necessarily be employed in locating said road in each of the above named counties.

APPROVED, January 21st, 1843.

In force, Jan. 24, 1843.

AN ACT to locate a State road from Utica to Killsa's landing, in Fulton county.

Appointment of com'rs to locate road

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Oliver Shepley, Alexander Wilson, and John McCann, of Fulton county, be and they are hereby appointed commissioners to view, mark, and locate a State road from Utica, in said county of Fulton, over Copperas creek bridge, to the warehouse at Killsa's landing, so called on the Illinois river, on fractional north-east quarter of section thirteen, in township six north, range five east.

Time & place of meeting

SEC. 2. The said commissioners shall meet at the town of Utica, on the first Monday in April next, or some convenient day thereafter, and after being duly sworn by some justice of the peace, well and truly to perform the duties above required, shall proceed to survey, mark, and locate said road five rods wide, on the nearest and best ground between the points named in the first section of this act.

Road to be deemed a State road

SEC. 3. The said road, when laid out as aforesaid, shall be deemed and considered a State road, and the county commissioners' court shall cause the same to be opened and kept in repair as other State roads are.

Com'rs how paid

SEC. 4. The commissioners appointed under the provisions of this act, shall receive a just and fair compensation for the time necessarily employed in laying out said road, and they are hereby authorised to employ a surveyor and chain carriers, who shall receive a fair compensation for their services, to be paid out of the county treasury.

SEC. 5. This act to be in force and take effect from and after its passage..

APPROVED, January 24th, 1843.

AN ACT for the location of a State road in the counties of Monroe and St. Clair. In force, Jan. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, Com'rs to lo-*
represented in the General Assembly, That Joseph W. Alexan- *cate road*
der and Joseph Livers, of the county of Monroe, and John Grate, of the county of St. Clair, are hereby appointed commissioners to view, mark, and locate a State road, beginning at Obed Harrison's, in the county of Monroe, thence to the village of Prairie du Pont, in the county of St. Clair.

SEC. 2. Said commissioners, or any two of them, shall meet *When and*
at Obed Harrison's, in the county of Monroe, on or before the *where to meet*
first Monday in April next, and after being duly sworn before *& be sworn*
some justice of the peace, to the faithful performance of their duties, shall proceed to lay out said road, from point to point, upon the nearest, and best, and most eligible ground, having due regard to private property.

SEC. 3. Said road, when so laid out, a report of which shall *Report to be*
be filed by said commissioners with the clerks of the county *filed with co.*
commissioners' courts of the respective counties through which *clerk*
which said road is to run, and the same shall be opened and kept in repair as other State roads.

SEC. 4. Said commissioners shall be allowed a reasonable *Pay of com'rs*
compensation for their services, not exceeding two dollars per day, at the discretion of the county commissioners' court, which shall be paid out of the treasury of the county of Monroe, for the time said commissioners may necessarily be employed in making said location. This act to be in force from its passage.

APPROVED, January 24th, 1843.

AN ACT to locate a State road in Hancock county.

In force,
Feb. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, Com'rs to lo-*
represented in the General Assembly, That John Camron, James *cate road*
Dale, and Abel Parker, be and they are hereby appointed commissioners to view, survey, and locate a State road, commencing at the town of Carthage, thence running east in a direction to Macomb, crossing Crooked creek, at Owen's mills, thence the nearest and best route to intersect a road now laid out from Macomb to the county line betwixt Hancock and McDonough counties, at or near Thomas Dorothy's farm.

SEC. 2. That said commissioners, or any two of them, shall *Time & place*
meet at the town of Carthage, on the first Monday in April next, *of meeting*
or as soon thereafter as practicable, and after having been duly *To be sworn*
sworn before some justice of the peace of Hancock county, faithfully to perform the duties required of them by this act, shall proceed to view, mark, and locate said road from point to point, as before described; and after completing the same, shall make out a report in writing and file the same with the *Report to be*
clerk of the county commissioners' court of the county of Han- *filed with co.*
clerk

cock; which report shall form a part of the records of said court; and said road so laid out, shall be opened and kept in repair as other public roads are.

Pay of com'rs SEC. 3. The commissioners hereby appointed, and the necessary hands by them employed to assist in the location of said road, shall be allowed by the county commissioners' court of said county a reasonable compensation for their services, to be paid out of the county treasury of said county. This act to take effect from and after its passage.

APPROVED, February 1st, 1843.

In force,
Feb. 3, 1843.

AN ACT to locate a State road from Belvidere to Little Fort.

Com'rs to locate road SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That G. N. Holbrook, of Boone county, William Barnes, of McHenry county, and Morris Robinson, of Lake county, are hereby appointed commissioners to mark and locate a State road from Belvidere, Boone county, to Little Fort, in Lake county. Said commissioners shall meet at Belvidere on or before the fifteenth day of October, one thousand eight hundred and forty-three; and before entering upon their duties as commissioners, shall take an oath faithfully to discharge the duties as such commissioners, and and then proceed to mark and locate a State road as above stated; such commissioners to be paid such sums as the several county commissioners' courts of the several counties may direct.

Time & place of meeting

To be sworn

Compensation

APPROVED, February 3d, 1843.

In force,
Feb. 3, 1843.

AN ACT to locate a State road from Quincy, in Adams county, to Augusta, in Hancock county.

Com'rs to locate road SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joel G. Williams, Joel Danah, and John Biler, be and they are hereby appointed commissioners to view, mark, and locate a State road from Quincy, in Adams county, via Houston, in said county, to Augusta, in Hancock county.

Time & place of meeting SEC. 2. The said commissioners shall meet at Quincy, in Adams county, on the third Monday in April, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, survey, locate, and mark out said road between the points above designated, on the nearest and best ground, by marking the trees in the timber, and setting up stakes in the prairie.

Manner of laying out road

SEC. 3. The said commissioners, as soon as practicable after the location aforesaid, shall make out a map and report there-

of, giving the correct distance and description of the same; and shall file a copy thereof in the clerk's offices of the county commissioners' court of each county through which any part of said road may pass; which said report shall be made matter of record in said office. Map and report to be made

SEC. 4. The county commissioners' court of each county shall allow the viewers and their assistants, a reasonable compensation for their services; and they shall cause the said road to be opened and kept in repair as other roads are. Pay of com'rs

APPROVED, February 3d, 1843.

AN ACT to locate a State road from Taylorville, in Christian county, to Zanesville, in Montgomery county. In force, Feb. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Daniel C. Goode, Joseph P. Darbin, and James Funderburk, be and they are hereby appointed commissioners to view, mark, and locate a State road, beginning at Taylorville, in Christian county, thence to the meeting house on Bear creek, in section fifteen, township twelve north, range three, west of the third principal meridian, thence to Zanesville, in Montgomery county. Com'rs to locate road

SEC. 2. Said commissioners, or any two of them, shall meet in the town of Taylorville, in Christian county, at any time to be agreed upon by them, before the second Monday in September next, and after having been duly sworn by some person authorised to administer oaths, to the faithful performance of their duties, shall proceed to lay out said road from point to point, upon the nearest, best, and most eligible ground, having due regard to private property. Time & place of meeting

SEC. 3. Said commissioners shall designate the location of said road by blazing the trees in the timber, and by setting stakes at convenient distances in the prairie, and when said road shall have been thus located, the commissioners shall make out a report in writing, showing the courses and distances, and also a plat of said road, which shall be filed in the office of the clerk of the county commissioners' court of Christian county, and the report spread upon the records of said court at the next succeeding term thereof after the same shall have been filed in his office. How designated

SEC. 4. The whole expense of locating said road shall be paid out of the county treasury of Christian county, upon the order of the county commissioners' court. Expense how paid

SEC. 5. Each commissioner herein appointed shall be entitled to one dollar and fifty cents for each day necessarily employed in locating said road. The surveyor shall be entitled to two dollars for each day necessarily employed in the survey of said road, and each hand other than the commissioners and surveyor, shall be entitled to the sum of one Pay of com'rs

dollar per day for each day necessarily employed in the location of said road.

To be opened
and kept in
repair

SEC. 6. The county commissioners' courts of Christian and Montgomery counties are required to open and keep in repair said road, or so much thereof as lies within their respective counties, as in case of other State roads.

APPROVED, February 3d, 1843.

In force,
Feb. 2, 1843.

AN ACT to locate a State road from Marion, in Williamson county, to Jonesboro, in Union county.

Com'rs to lo-
cate road

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Huffstutler, of Williamson county, Moses Thornton and John Frog, of Union county, be and they are hereby appointed commissioners to view, mark, and locate a State road from Marion, in Williamson county, by the way of John Coghran's and Western Saratoga, to Jonesboro, in Union county, on the nearest and best route, having due regard to private property.

Time & place
of meeting

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Marion, on or before the second Monday in August next, and after having been duly sworn faithfully

To be sworn

to perform to perform the duties required of them by this act, shall proceed to view, mark, and locate said road from point

Report to be
made

to point as above described, and they shall make a report in writing of their acts and doings to each of the county com-

Road to be
public & kept
in repair

missioners of Williamson and Union counties; which report shall form a part of the records of said courts, and said road so laid out shall be deemed a State road, and shall be opened and kept in repair as other State roads are.

Pay of com'rs

SEC. 3. The commissioners hereby appointed shall be allowed and paid a fair and reasonable compensation for the time they may be necessarily employed in locating said road, to be paid out of the county treasuries of Williamson and Union counties.

APPROVED, February 2d, 1843.

In force,
Feb. 6, 1843.

AN ACT to amend an act entitled "an act to locate and change certain State roads," approved February twenty-seven, one thousand eight hundred and forty-one.

Com'rs to be
paid by Taze-
well co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Tazewell county be and they are hereby authorized and required to make an appropriation from the treasury of said county, to Robert Smith, of Livingston county, Jacob Spaur and Silas B. Curtis, of McLean county, or to either of them, for the amount due for their services as

commissioners to locate a State road from Oliver's Grove to Peoria; *Provided*, that the aforesaid commissioners shall make ^{Proviso} report to the county court of said county of their services, together with a plat and survey of said road, with a certificate of their qualification as such commissioners.

SEC. 2. When the plat and survey of said road shall be ^{Location to} reported as aforesaid, the location of the said road shall be ^{be valid} valid and is hereby declared to be as legal to all intents and purposes as if the same had been made in accordance with the provisions of the act to which this is an amendment.

APPROVED, February 6th, 1843.

AN ACT to locate a State road from Lancaster landing, in Peoria county, ^{In force.} to Farmington, in Fulton county. Feb. 8, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois,* ^{Com'rs to lo-} *represented in the General Assembly,* That Isaac Hamblin and ^{cate road} Samuel F. Bolinger, of the county of Peoria, and John G. Voorhees, of the county of Fulton, be and they are hereby appointed commissioners to view, mark and locate a State road from Lancaster landing, township seven north, six east, ^{Course of} in the county of Peoria, beginning at or near the store houses ^{road} of A. D. Reeds and W. C. Andrews, thence passing over the log way recently erected to the town of Lancaster, from thence via the farm of James M. Hall, in township seven north, five east, in Fulton county, to Farmington, in said Fulton county. Said road to be located on the nearest and best route.

SEC. 2. The said commissioners, or a majority of them, ^{Time & place} shall meet at Farmington on the first Monday of May next, ^{of meeting} or within six months thereafter, and after being duly sworn by some justice of the peace, faithfully to observe the provisions of this act, shall proceed to locate said road by notching the trees through the timber and setting stakes in the prairie, ^{Road how} on the route prescribed in the preceding section, and the commissioners shall, as soon as convenient, cause to be filed with ^{marked} each of the clerks of the county commissioners' courts of Peoria and Fulton counties a report and map of said road, which ^{Report} report and map shall be preserved and shall form part of the records of said courts.

SEC. 3. The said road, when laid out as aforesaid, shall be ^{Each co. to} decreed and considered a State road, and shall be opened not ^{pay its part} less than four rods wide, and marked out and kept in repair ^{of expense} as other State roads are, and each county through which said road shall pass shall bear her proportional part of the expense, according to the time necessarily employed on said road through the same, to be allowed by the county commissioners' court of each county.

APPROVED, February 8th, 1843.

In force,
Feb. 20, 1843.

AN ACT to locate certain roads therein named.

SE. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That N. W. Manville, George Hunsaker and George Dougherty, be and they are hereby appointed commissioners to view and locate a State road beginning at some point on the road leading from Cairo to Jonesboro, south of Manville's mills, thence to the most direct and eligible route by Manville's mills on Mill creek, thence to Saratoga, in Union county, the most direct and eligible route.

Time & place
of meeting

SEC. 2. It shall be the duty of said commissioners, or a majority of them, to meet at Manville's mills on the first Monday in April next, or within thirty days thereafter, and after being duly sworn before some justice of the peace to faithfully discharge their duties agreeable to the provisions of this act, shall proceed to view, mark and locate said road, doing as little damage to private property as may be, and shall make return to the clerks of the county commissioners' court in the counties in which the same may be located; [in] which return they shall designate the most remarkable points.

Return

Road to be
opened

SEC. 3. It shall be the duty of the county commissioners' courts of the several counties, through which the same shall pass, to cause the same to be opened and kept in repair as other State roads, and pay said commissioners out of their respective county treasuries each two dollars per day necessarily employed in the location of said road, in the respective counties through which the same shall pass or be located.

Pay of com'rs

To locate
part of road
from Jonesbo-
ro to Fre-
donia

SEC. 4. Samuel Hunsaker, L. P. Wilcox and Jefferson McKinney, be and they are hereby appointed commissioners to review and re-locate so much of the State road as leads from Jonesboro to Fredonia, as lies between John Hartlines and Jonesboro, who, after being sworn faithfully to discharge their duties, shall proceed to locate said road from Main street, in Jonesboro, on the most direct and eligible route so as to intersect said road south of John Hartline's farm, and shall make report to the county commissioners' court of Union county; which court shall cause the same to be opened and kept in repair as other State roads, and shall pay said commissioners two dollars per day while necessarily employed in locating said road.

Report

Pay of com'rs

APPROVED, February 20th, 1843.

In force,
Feb. 24, 1843.

AN ACT in relation to public roads in the county of Washington.

Concerning
certain pub-
lic roads

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the public roads in said county that have been heretofore laid out and opened as public roads and highways (except those which may have

been vacated) shall be received and considered in law in all respects as though said roads had been located and laid out as public roads are now required to be by law.

SEC. 2. It shall be the duty of the county court of said county hereafter to provide for said roads by apportioning supervisors to be appointed supervisors, and setting apart hands for the keeping in repair said roads as though they had been located as now required by law in locating public roads.

SEC. 3. And all supervisors and hands set apart and failing to do their duty in keeping such roads in repair as other public roads are required to be kept, shall be liable in the same way, and incur the same penalties as other supervisors and hands failing to do their duty on roads located and laid out as now required by law to be done. Penalty for not keeping roads in repair

APPROVED, February 24th, 1843.

AN ACT to review and re-locate the State road leading from Princeton to Pawpaw grove. In force, Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Hoskins, Robert E. Thompson, and Enos Smith, county commissioners of the county of Bureau, be and they are hereby authorised and empowered to view, survey, mark, locate, and establish a State road from Princeton, via Dover and Lamoille, in said county, to the intersection of the State road leading from Princeton to Pawpaw grove, at or near the line of said county, and to assess the damages that the owner or owners of land over which the same may pass shall sustain by the location and opening of said road, taking into consideration the advantages and disadvantages that shall result to such owners, by the location and opening said road. Com'rs to locate State road in Bureau county
To assess damages to owners of lands

SEC. 2. Said commissioners shall meet at Princeton in said county on the second Monday in March next, or as soon thereafter as practicable, at which time they shall agree upon, and after being duly sworn before some justice of the peace of said county, faithfully and impartially to discharge the duties agreeably to the provisions of this act, shall proceed to view, survey, mark, locate, and establish said road on the best and most eligible route from point to point, having due regard to private property, which road shall be four rods wide, and shall assess the damages that the respective owner or owners of the land over which said road may pass, shall sustain by the location and opening of said road; and should the owner or owners of any tract or tracts of land, over which said road shall pass, be unknown to said commissioners, they shall assess the damages, if any there be, that shall accrue as aforesaid to such unknown owner or owners of the same, upon each of said tracts of land respectively, and shall commence said view, lo- Shall view & locate road

cation, and assessment at the town of Princeton, thence proceed on said route, and shall continue the same from day to day until it be completed.

Com'rs to
make report
of survey and
return plat to
co. clerk of
Bureau co.

SEC. 3. Said commissioners, so soon as they shall have completed said view and location of said road, and assessed the damages as aforesaid, shall make out a plat of said road with the courses and distances from point to point, and shall also make a written report to said commissioners' court, describing the route of said road, and the amount of damages assessed to the respective owners of lands, as aforesaid; and where the owners of any tracts are unknown, shall report the amount of damages assessed as aforesaid on each of said tracts of land, the owners of which are unknown; which plat and report shall be certified and signed by said commissioners and filed in the office of the clerk of the commissioners' court of said county, at least ten days previous to the commencement of the June term of said commissioner's court, in the year 1843; which report shall be subject to inspection by all persons concerned, and said commissioners' court shall, at their June term, A. D. 1843, pass an order to be entered on record establishing said road.

To give no-
tice of time &
place of com-
mencing &c.

SEC. 4. Said commissioners shall give at least twenty days previous notice of the time and place of commencing the view and location of said road, and the assessment of damages as aforesaid, by putting up a written notice thereof in one of the most public places in each of said towns of Princeton, Dover, and Lamoille, and no other notice whatever shall be necessary, but this act and the notices being given as herein provided, shall be deemed and taken as sufficient notice to all persons concerned, who may wish to appear before said commissioners at such assessment of damages, or may desire to appeal from any assessment, order, or decision, of said commissioners herein, whether the same be residents or non-residents of this State. Said commissioners, or any one of them, shall, at or previous to the commencement of said view and location of said road, return to the clerk of said commissioners' court, one of the said notices, or a copy thereof, and shall make affidavit before said clerk that the notices were properly given or posted up as required by the provisions of this act, and the said clerk shall attach the affidavit to said notice or copy so returned, and file the same in his office, which shall be deemed *prima facie* evidence in all courts, that the notice aforesaid was duly given.

Persons dis-
satisfied with
assessment
may appeal
to circuit
court

SEC. 5. If any owner or owners of land, through which said road shall pass, shall be dissatisfied because no damages are assessed by said commissioners, or because the damages assessed are insufficient, he, she, or they may appeal to the circuit court of said county, by complying with the provisions of an act entitled "an act allowing appeals in certain cases," approved January 31st, 1835; *Provided*, said appeal be prayed at the June term of said commissioners' court, A. D. 1843,

and the said circuit court shall, at the term thereof next succeeding, proceed to try all appeals which may be taken as aforesaid, and the decision of said court shall be final, and the clerk of said circuit court shall make out and file with the clerk of said commissioners' court, a copy of all orders and decisions made by said circuit court, within thirty days after the term in which such decisions are made; and in all cases where the damages are not increased, the appellant shall pay the costs of the appeal.

SEC. 6. In all cases where damages shall be assessed in favor of any owner or owners of land, through which said road shall pass, and no appeal shall be taken by such owner or owners, as hereinbefore provided, the commissioners' court shall, at the term in which appeals are allowed to be taken as aforesaid, cause to be paid out of the county treasury such damages as may be so assessed; and in all cases where such owner or owners of lands shall appeal to the circuit court as aforesaid, the said commissioners' court shall cause to be paid out of the county treasury such damages as may be awarded by said circuit court at their next regular term succeeding such award. The county orders, when made out in favor of such person or persons, as are entitled to damages as aforesaid, and placed on file by the clerk of said commissioners' court, are ready to be delivered when properly demanded at his office, shall be deemed and considered as a sufficient tender of said damages, and the right of way through all the lands over which said road may pass shall forever thereafter be secured to the public.

SEC. 7. After the damages that are assessed or awarded to the respective owner or owners of land, through which said road shall pass, shall have been tendered in the manner provided in the sixth section of this act, the commissioners' court shall pass an order requiring the supervisors of roads, through whose districts said road shall pass, to open the same within six months, and after the said road shall have been opened, the same shall be kept in repair as in other cases.

APPROVED, January 24th, 1843.

AN ACT to vacate a State road therein named.

In force,
Feb. 21, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of a State road commonly called the McFarland road, leading from McFarland's ferry, on the Ohio river, to Mount Vernon, in Jefferson county, as lies in Franklin county, be and the same is hereby declared vacated.

APPROVED, February 21st, 1843.

In force,
Feb. 23, 1843.

AN ACT to locate a State road therein named.

Com'rs to lo-
cate State
road from
Chicago to
Grand de
Tour

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That B. T. Hunt, of Kane county, J. Hamlin, of De Kalb county, and R. Prichard, of Ogle county, be and they are hereby appointed commissioners to view, mark, and locate a State road from Chicago, in Cook county, to Grand de Tour, in Ogle county, via Steam Mill bridge, Babcock's grove, St. Charles, and Sycamore.

Duty of com-
missioners

SEC. 2. The said commissioners, or any two of them, shall meet at the city of Chicago, on the first Monday of April, or some day thereafter, and before entering upon the duties assigned them by this act, shall take an oath before some justice of the peace of said city, faithfully to perform the duties required of them by this act, and said commissioners, after being qualified as aforesaid, shall proceed to view, mark, and locate, said road on the nearest and best route.

Com'rs to
make returns
of plats &c.

SEC. 3. The said commissioners shall be required to return to the clerk of the county commissioners' court of the several counties through which said road shall pass, a correct plat of the survey of said road in their respective counties; which plat shall be filed in the office of said clerks; and said road, when laid out as aforesaid, shall be deemed a public highway, and the county commissioners' courts of the several counties through which said road may pass, shall appoint supervisors over said road, and cause the same to be opened and kept in repair as other State roads are.

Compensa-
tion

SEC. 4. The commissioners appointed under the provisions of this act, and such other persons as shall be employed by them in the discharge of the duties enjoined upon them by this act, shall receive a just and reasonable compensation for the time necessarily employed in viewing, marking, and locating said road; each county paying for the time necessarily employed therein.

APPROVED, February 23d, 1843.

In force,
Feb. 23, 1843.

AN ACT confirming the survey and location of a State road from Charleston to Peoria.

Survey and
location of
road from Pe-
oria to
Charleston,
confirmed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the survey and location of the road leading from Charleston, in Peoria county, to the town of Peoria, made by Gideon Thomas, John Williams, and John Coyle, appointed by the county commissioners of said Peoria county for that purpose, be and the same is hereby established and confirmed as a State road, according to the map, field notes, and plan thereof, made April tenth, A. D. one thousand eight hundred and forty-two, by George C. McFadden, coun-

ty surveyor, and filed with the clerk of the county commissioners' office of said Peoria county.

SEC. 2. This act repeals all acts and parts of acts contrary to its provisions, and shall be in force from and after its passage.

APPROVED, February 23d, 1843.

AN ACT to establish a State road therein named.

In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Mathias Young, of the county of Menard, Arthur Morrow, of the county of Ma-
son, and James P. Montgomery, of the county of Fulton, are hereby appointed commissioners to view, lay out, and mark a State road from Petersburg, in Menard county, to cross Sangamon river at Young's canoe landing, thence the nearest and best route to the town of Bath, on the Illinois river, thence the nearest and best route to the town of Astoria, in Fulton county, by the way of the lower end of Grand Island in said river, thence the nearest and best route to the town of Vermont, thence the nearest and best route to Macomb, in McDonough county.

SEC. 2. The said commissioners, or a majority of them, shall meet at Petersburg, in Menard county, on the first Monday in the month of June next, or as soon thereafter as practicable, and after being duly sworn, shall proceed to perform the duties required of them by this act, avoiding as much as practicable the injuries of private property.

SEC. 3. The said commissioners shall, in a reasonable time thereafter, cause to be filed in the clerks' offices of the county commissioners' court of each county through which said road shall pass a report and complete plat of said road; which report and plat shall be preserved and entered on the records of said court.

SEC. 4. The said commissioners shall have power to employ a surveyor and such other persons as may be necessary in the survey and location of said road, and said commissioners, surveyor, and other persons so employed, shall be allowed a reasonable compensation for the time necessarily employed out of the treasuries of the respective counties through which said road may pass, in proportion to the time employed in each of said counties in laying out said road; and when said road is laid out, and the plat thereof filed as required by this act, it shall be the duty of the county commissioners' courts of the aforesaid counties to cause such road to be opened and kept in repair as other State roads are.

SEC. 5. Also, said commissioners shall view a road from Bath, in Mason county, to Matanzas, in said county, under the same restrictions, limitations, and regulations as aforesaid.

APPROVED, February 23d, 1843.

In force, AN ACT to amend "an act to establish a State road from Jemison's ferry,
Feb. 23, 1843. in Pope county, to Cape Girardeau," in force March 2d, 1839.

Com'rs to lo-
cate road
from Jemi-
son's ferry to
Cape Girar-
deau

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Mathew McClure, John L. Cooper, and William Sharp, be and they are hereby appointed commissioners to locate a road from Jemison's ferry to Cape Girardeau, or a majority of them, shall, on or before the first day of August next, report to the county commissioners' court of the several counties through which said road passes, the survey and location of the said road, designating in said report the most remarkable places along the route located; which road shall be opened and kept in repair as other State roads are.

APPROVED, February 23d, 1843.

In force,
Feb. 23, 1843.

AN ACT to locate a State road therein named

Com'rs ap-
pointed to lo-
cate State
road

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Lawrin Hulbert, Orsamus Wilson, Lemuel Morse, and Joseph W. Churchill, of Kane county, and Charles Gary, of the county of Du Page, be and they are hereby appointed commissioners to view, mark, locate, and establish a State road from Fox river, in Kane county, running thence eastwardly to Gary's mills, in the county of Du Page.

When and
where to meet

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of said Orsamus Wilson, on the first Monday in May next, or within six months thereafter, and after being duly sworn by some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to locate, mark, and establish said road, four rods wide, commencing on the east bank of said Fox river, at the bridge crossing said river, in the the town of Batavia, in said county, or within fifty rods below said bridge, running thence eastwardly to Gary's mill, in the county of Du Page, or until they intersect the road at or near said mill, taking into consideration, in locating said road, the best route, and the most advantageous ground for a permanent road.

To report to
co. court
through
which road
shall pass

SEC. 3. Said commissioners shall, within six months after the location of said road, make a report of their proceedings to the county commissioners' courts of the respective counties through which said road may pass. The said road thus established shall be a public highway of this State, and the county commissioners' courts of said counties shall cause the same to be opened and kept in repair as other roads are. This act to be a public act, and to take effect from and after its passage.

APPROVED, February 23d, 1843.

AN ACT to review and re-locate a State road from Jesse Hammer's to Chillicothe, in Peoria county. In force,
Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Dalrymple, Gaius Jenkins, and John C. Flanagan, of Peoria county, be and they are hereby appointed commissioners to review, mark, and re-locate so much of the State road leading from Peoria to Chillicothe, as lies between the residence of Jesse Hammer and Chillicothe in said county, on the best ground nearest to the Illinois river, and along the bank thereof, with regard to the greatest public utility and private convenience.

SEC. 2. The above named commissioners shall meet at the residence of said Jesse Hammer, and after first being duly sworn, shall proceed to review and re-locate said road, and make return thereof as soon as may be to the county commissioners court of Peoria county, to be filed by the clerk of said court. They shall be allowed such reasonable compensation as the county commissioners may think proper and reasonable. To make re-
turns to co.
com'rs court

APPROVED, February 24th, 1843.

AN ACT to locate a State road therein named.

In force,
Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Elijah Reese, of Fayette county, Jesse Dooling and Mark Tully, of Marion county, be and they are hereby appointed commissioners to view and locate a State road leading from Vandalia, in Fayette county, in the direction of McLeansboro, in Hamilton county, commencing at the bluff two miles east of Vandalia, running with the county road to the south fork of Hickory creek, thence southerly to the county line, thence on the nearest and best route to intersect with the road leading from Fairfield to McLeansboro, at or near the lower Hickory hill, near the county line of Hamilton. Comr's ap-
pointed to lo-
cate State
road

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Vandalia, on the first Monday in May next, or within thirty days thereafter, and after having been duly sworn before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to mark, survey, and locate said road, and having so located the same, shall within thirty days thereafter, return to the offices of the clerks of the county commissioners' courts of Fayette and Marion counties a copy of the plat and survey thereof; which, together with the report of said commissioners, shall be spread upon the records of the said county commissioners' courts. To meet at
Vandalia

Returns to be
made to cl'ks
of Fayette
and Marion
counties

SEC. 3. Said road shall be opened and kept in repair as other State roads are.

Compensation

SEC. 4. Said commissioners shall be allowed a fair and reasonable compensation for their services, to be paid out of the county treasuries of Fayette and Marion counties.

APPROVED, February 24th, 1843.

In force,
Feb. 24, 1843.

AN ACT authorizing a change in a State road in Morgan county.

Waters authorized to change certain State road in Morgan co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Zachariah Waters, of Morgan county, be and he is hereby authorized to change so much of the road, leading from Jacksonville to Vandalia, as lies between the residence of Ralph Macormack and the east end of Celia Waters' lane; *Provided,* such changes shall be made upon the land of the said Waters; and the said road, when so changed, shall be opened and put in as good repair as the present travelled route, at the expense of the said Waters; *And provided, further,* that the distance in travel shall not be increased more than ten rods by such change.

Public road

SEC. 2. When said road shall be opened and put in repair as aforesaid it shall be and remain a public State road, and worked and kept in repair as other State roads.

SEC. 3. This act to take effect and be in force from and after its passage.

APPROVED, February 24th, 1843.

In force,
Feb. 25, 1843,

AN ACT to re-locate so much of the State road as lies between Springfield and Peoria, in the State of Illinois.

Part of State road re-located

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert Allen, Sandford Watson and Pascal Enos, of the county of Sangamon, be and they are hereby appointed commissioners to view, survey, mark and re-locate so much of the State road from Springfield to Peoria as lies between the city of Springfield and the Sangamon river.

To report to com'rs of Sangamon county

SEC. 2. Said commissioners shall proceed to view the most convenient re-location of said road, and shall report their review and re-location to the March term of the county commissioners' court of said county; which court may, in their discretion, adopt or refuse to adopt said re-location, and if adopted they shall proceed forthwith to have said road opened as re-located.

APPROVED, February 25th, 1843.

AN ACT to locate a State road therein named.

In force,
Feb. 25, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Haley, Elisha Glass and Jordan Smith, be and they are hereby appointed commissioners to view and locate a State road in Fayette county, beginning at the bluff, two miles east of Vandalia, there leaving the National road and running in an eastern direction, the nearest and best route towards Louisville, in Clay county, passing through the Arm Prairie, in Fayette county, and terminating at the eastern line of the said county of Fayette. Com'rs appointed to locate State road

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of John Haley, on the first Monday of May next, or within sixty days thereafter, and after being duly sworn before some justice of the peace faithfully to perform the duties required of them by this act, shall proceed to mark, survey and locate said road; and having so located the same shall, within thirty days thereafter, return to the office of the clerk of the county commissioners' court of Fayette county a copy of the plat, survey, and field notes thereof, together with the report of said commissioners. Manner of performing their duty prescribed

To report to cl'k of Fayette co.

SEC. 3. Said commissioners shall be allowed a reasonable compensation for their services, to be paid out of the county treasury of Fayette county. Said road when located shall be worked and kept in repair as other State roads are. Compensation

APPROVED, February 25th, 1843.

AN ACT to locate a State road from Lewiston, in Fulton county, to Monmouth, in Warren county. In force,
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel G. Morse, of Warren county, Anson Smith and Cornelius Stewart, of Fulton county, are hereby appointed commissioners to view, locate and mark a State road from Lewiston, in Fulton county, to Monmouth, in Warren county. Com'rs to locate State road

SEC. 2. The said commissioners shall meet at Lewiston, on the first Monday in April next, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace well and truly to perform the duties above required, shall proceed to survey, mark and locate said road, four rods wide, as required by this act, commencing at Lewiston, in Fulton county, thence by the nearest and best route via Centreville, Ellisville, Woodville and Bowling Green to Monmouth, in Warren county; avoiding at all times as much as practicable injury or damage to private property. Where to meet

SEC. 3. The said road, when laid out as aforesaid, shall be deemed and considered a State road, and the county commis-

To be a State
road & kept
in repair

Compensa-
tion

sioners' courts of Fulton and Warren counties shall cause so much of said road as may lay within their respective counties to be opened and kept in repair as other State roads are.

SEC. 4. The said commissioners are hereby authorized to employ a surveyor, and such other hands as may be necessary, for the purpose of locating said road, who, with the commissioners aforesaid, shall be paid a reasonable compensation for their services out of the county treasuries of Fulton and Warren counties, in proportion to the time actually employed in laying out said road in each of the said counties.

SEC. 5. This act to take effect and be in force from and after its passage.

APPROVED, March 1st, 1843.

In force,
Mar. 2, 1843.

AN ACT to vacate a part of a State road in Peoria.

Part of road
vacated

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the State road, from Peoria to Galena, via Osceola and Wappello, as is located across block number one. in Hale's second addition to said town of Peoria, and extending diagonally across said block from Main to Hamilton street, be and the same is hereby discontinued and vacated. This act to take effect from and after its passage.

APPROVED, March 2d, 1843.

In force,
Mar. 3, 1843.

AN ACT declaring a certain road therein named a State road, and for locating a State road from the east line of Mercer county to the town of Millersburg, in said county.

Com'rs to lo-
cate State
road

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Martin and Elisha Miles, of the county of Mercer, and Achilles Duthridge, of the county of Knox, be and they are hereby appointed commissioners to view, mark, and locate a State road from the town of Hendersonville, in Knox county, by Pope creek post office, in Mercer county, to the town of Millersburg; to be located on the nearest and best ground, having due regard for private property.

Their duties

SEC. 2. The commissioners, or a majority of them, shall meet at the house of Henry Bridgers, in the county of Mercer, on the first Monday in March, or within sixty days thereafter, and after being duly sworn, shall proceed to the performance of the duties required of them by this act. The said commissioners shall, within twenty days after the location of said road, cause to be filed with the clerk of the county commissioners' court of each county, a report of the location of said

road, naming the distance, as near as may be, of said road in each county; which report shall be preserved and form part of the records of said courts. Said road when located shall be opened and kept in repair as other State roads are.

SEC. 3. The county commissioners' court of each county shall allow the commissioners, and others necessarily employed by them, a reasonable compensation, to be paid according to the distance of said road in each county.

APPROVED, March 3d, 1843.

AN ACT to locate a State road therein named.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Morris Walrad, of De Kalb county, Reuben Prichard, of Ogle county, and Bela T. Hunt, of Kane county, be and they are hereby appointed commissioners to lay out, mark, and locate a State road from Chicago, in Cook county, via St. Charles, Sycamore, Coltonville, Browdie's grove, to Dixon, on the nearest and best ground.

Chicago and
St. Charles
State road

SEC. 2. Said commissioners shall meet at Chicago, as soon as practicable after the passage of this act, and before entering upon the duties enjoined by the provisions herein provided for, they shall take an oath before some justice of the peace of this State, to well and truly perform all the duties enjoined by this act.

Duty of com-
missioners

SEC. 3. That Willis Lott and Marshall Stark, of De Kalb county, and James T. Gifford, of Kane county, be and they are hereby appointed commissioners to view, locate, mark, and survey a State road from Elgin, in Kane county, on the nearest and best ground, to intersect the Oregon road near the west line of De Kalb county.

State road
from Elgin to
the Oregon
road

SEC. 4. The commissioners provided for in the third section of this act shall meet at the town of Elgin, as soon as convenient after the passage of this act, and before entering upon the duties herein provided for, shall take an oath before some justice of the peace of this State, to well and truly perform all the duties enjoined by this act.

Duty of com-
missioners

SEC. 5. The commissioners herein appointed shall proceed to locate said road, and it shall be the duty of the said road commissioners to assess all damages that may accrue to individuals, taking into the account the advantages as well as disadvantages which said road may be to such individuals; and the award of said commissioners shall be final and conclusive.

Com's to as-
sess damages

SEC. 6. All damages awarded under the provisions of this act shall be paid by the county in which such damages have accrued, and the person or persons in whose favor damages shall be awarded, shall receive a certificate from the commissioners aforesaid, certifying the nature and amount of damages,

How paid

and on presenting of said certificate to the county commissioners' court of the proper county, it shall be the duty of said court to grant an order to the individual or individuals for the payment of the same from the funds of the county.

Plats &c. to
be filed

SEC. 7. As soon as practicable, after the location of said roads, the said commissioners shall file a plat of said roads with the clerk of the county commissioners' court of the several counties through which said road may pass; they shall also file an account of all persons entitled to damages, together with the amount to which they are entitled.

Com'rs of the
several coun-
ties to open
road

SEC. 8. As soon as said roads shall be located, under the provisions of this act, it shall be the duty of the county commissioners of the several counties through which said roads shall pass, to cause the same to be immediately opened, and kept in repair, and the several supervisors, through whose districts the said roads may pass, shall immediately proceed to open and work the same as other State roads are.

Pay of com'rs

SEC. 9. The road commissioners, surveyors, and such other persons as may be necessary to aid in locating said roads, shall receive one dollar and fifty cents per day for each day necessarily employed in performing the duties required under the provisions of this act; and the several counties through which these roads may pass shall pay all necessary expenses incurred, in proportion to the distance the said roads may pass through the respective counties. This act to take effect from and after its passage.

APPROVED, March 3d, 1843.

In force,
Mar. 3, 1843.

AN ACT to locate a State road from La Salle to Inlet Grove.

State road
from La Salle
to Homer, in
La Salle co.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Zimri Lewis and Jarvis Swift, of La Salle county, and George E. Haskell, of Lee county, be and they are hereby appointed commissioners to view, lay out, locate, and mark a State road from the town of La Salle, in La Salle county, to the town of Homer, in said county, and thence to the State road leading from Chicago to Galena, to intersect the same at Inlet grove, in Lee county; to be located on the nearest and best route, having a due regard to farms and other improvements, as well as the public good.

Duty of
com'rs

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of La Salle aforesaid, on the first Monday in May next, or within sixty days thereafter, and being duly sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, shall proceed to view, mark, and locate said road on the most eligible ground, and as soon as practicable thereafter, cause to be made a map of the survey of said road, certified by them, and forward a

copy thereof to the clerk of the county commissioners' court of each of the counties through which a part of said road shall pass, which shall by him be filed in his office, and the said road thus laid out, shall be declared a public State road, and shall be opened and kept in repair as other State roads.

SEC. 3. The said commissioners, together with the chain carriers and surveyor, shall receive out of the county treasuries of the respective counties through which said road may pass, such reasonable compensation for their services as may be deemed just and equitable by the county commissioners' courts. Their compensation

SEC. 4. The said commissioners shall return to the clerks of the county commissioners' courts of said counties a certified account of the number of days occupied by them in the respective counties in locating said road. Report

APPROVED, March 3d, 1843.

AN ACT in relation to the Cumberland road.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' courts in each county through which the Cumberland road now passes, or may hereafter pass, shall have supervisory control over the same whenever the same shall not be under the care or supervision of some person or persons authorised by the United States, and cause the same to be kept in repair in the same manner as prescribed by the laws of this State for keeping in repair the State and county roads in the several counties in this State, and may make such order and regulation concerning the same as they shall deem necessary and proper for the repair and preservation of the same. Cumberland road may be kept in repair

SEC. 2. It shall be the duty of the supervisors in each road district, whenever the county commissioners' court of the county shall direct, according to the provisions of this act, to cause the said road to be kept in repair through his road district, in the same manner as is provided by law for keeping in repair other State and county roads, and shall cause the same to be worked upon by the persons residing in his road district; and if such supervisor shall fail, neglect, or refuse to do so, he shall be liable to the same penalties for such failure, neglect, or refusal, as is provided by law on other roads in his district. And if any person, subject to work upon public roads in any such road district, shall fail, neglect, or refuse, when required by the supervisors of such road district to work on said road, they shall be liable to the same penalties for such failure, neglect, or refusal, as is provided for like cases on other public roads, and to be recovered in the same manner, to be collected and paid as in other cases of public roads in this State. Duty of supervisors

Penalty for
removing ma-
terials

SEC. 3. If any person shall hereafter wilfully take and convey away from the said road, any stone, wood, iron, or other materials, used or procured to be used, in the construction or repair of the said road, with intent to steal the same, they shall be deemed guilty of larceny, and upon conviction thereof, before any court having jurisdiction of the same, shall be subject to the same penalties and punishments as for other cases of larceny by the laws of this State.

Penalty for
injuring road

SEC. 4. If any persons shall hereafter wilfully or mischievously burn, destroy, or damage any bridge, abutment, grade, or any material used or procured to be used in the construction or repair of said road, every person so offending, upon conviction thereof, before any court in this State having jurisdiction of like offences, shall be subject to the same punishment as is provided by the laws of this State for like offences committed on any public road in this State.

SEC. 5. This act to take effect and be in force from and after its passage.

APPROVED, March 3d, 1843.

In force,
Mar. 4, 1843.

AN ACT to locate a State road from Josephine to Knoxville.

Com'rs to lo-
cate State
road

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Simpson Y. Barnard, of the county of Woodford, James Martin, of Marshall county, and David Kendall, of Knox county, be and they are hereby appointed commissioners to view, mark, and locate a State road from Josephine, in Woodford county, via Nathan Patten's and the town of Lacon, in Marshall county, and Toulon, in Stark county, to Knoxville, in Knox county, avoiding as much as practicable the injury of private property.

To meet and
be sworn

SEC. 2. Said commissioners shall meet at Josephine, in Woodford county, on the first Monday in June next, or within three months thereafter, and before entering on the duties required of them by this act, they shall severally take an oath before some justice of the peace, faithfully to discharge the duty of road commissioners.

To appoint
a surveyor

SEC. 3. The said commissioners shall appoint one surveyor, two chain carriers, and one marker; *Provided, however,* that one of said commissioners may act as surveyor.

Compensa-
tion

SEC. 4. Said commissioners shall be allowed for their services one dollar and fifty cents each, for each day they are necessarily employed in locating said road, the surveyor two dollars, and the chain carriers and marker shall be allowed one dollar per day each, to be paid out of the county treasuries of the several counties through which said road runs, in proportion to the time employed in locating said road in each county.

SEC. 5. The said commissioners shall report to the county commissioners' clerk of each county, through which said road

is located, the number of miles of road in said county, together with a plat of said road, on or before [the] September term of said court; which report shall be made matter of record in each county, and the said road, when located, is hereby declared a State road, and shall be opened and kept in repair as other State roads.

To report to
cl'ks of each
co. through
which road
passes

APPROVED, March 4th, 1843.

AN ACT for a State road from Frederickville, in Schuyler county, to Macomb, in McDonough county.

In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jesse Darnielle, George Garrison, and Edward Doyle, all of the county of Schuyler, are hereby appointed commissioners to locate a State road from Frederickville, in Schuyler county, in a direction for Macomb, in McDonough county, until they arrive at a place known by the name of Sewardville, in McDonough county, or some other point on a public road leading to Macomb, not exceeding three miles north of the line dividing Schuyler and McDonough counties.

Com'rs to lo-
cate State
road

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Jesse Darnielle, on or before the first day of July next, and after having been duly sworn before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to mark, survey, and locate said road, having due regard to private property, and having so located the same, shall, within thirty days thereafter, return to the office of the clerk of the county commissioners' court of Schuyler county a plat of so much of the road as lies in said county; also, a plat of so much of the road as lies in McDonough county they shall return to the clerk of the county commissioners' court of McDonough county; which together with the report of said commissioners, shall be spread upon the records of the said county commissioners' courts respectively.

When and
where to
meet

Return plats
to cl'k of
Schuyler co.

SEC. 3. The said road shall be four rods wide, and shall be opened and kept in repair as other State roads are; and the said county of Schuyler shall pay for the time necessarily employed in locating said road to the said commissioners, axemen, and chain carriers, one dollar per day each, and to the surveyor two dollars per day, to be allowed by the county commissioners' court of Schuyler county.

Expenses
how paid

APPROVED, March 4th, 1843.

In force, AN ACT for a State road from David Wright's, in Iroquois county, to
 A. ar. 4, 1843. Portland, in Cook county.

Com'rs to lo-
cate State
road
 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Cornelius C. Van Horn, of Will county, Alanson Hawkins, of Iroquois county, and Norman Rixford, of Cook county, be and the same are hereby appointed commissioners to view and locate a State road from David Wright's on Spring creek, in Iroquois county, to Portland, in Cook county, crossing the Kankakee river at or near the lower end of Bullbony's grove and the Juliet river, near the head of the Hickory timber, so called.

When and
where to
meet
 SEC. 2. The said commissioners, or a majority of them, shall meet at Charleston, in Coles county, on the first Monday in May next, or on some day thereafter which they shall agree upon, and after being duly sworn before some justice of the peace faithfully to discharge their duties agreeably to the provisions of this act, shall proceed to view, survey and locate said road on the nearest and most eligible ground from point to point, having due regard to private property, and shall make return to the county commissioners' courts of the several counties through which the same shall pass; which return shall be entered of record and filed in the clerk's office; and said road shall be a public and State road, [to] be opened and kept in repair as other public roads.

To make re-
turns
 Expenses
how paid
 SEC. 3. The county commissioners' court of each of the counties through which the said road passes shall pay their proportionate part of the compensation of said commissioners, and expenses of surveying said road, out of the county treasury of each county, at the rate of two dollars per day to each commissioner and the surveyor, and one dollar per day to each chainman and axeman, for the number of days in which they shall actually be employed in viewing, marking, and locating said road.

APPROVED, March 4th, 1843.

In force, AN ACT to locate a State road from St. Charles, in Kane county, to
 Mar. 6, 1843. Rockford, in Winnebago county.

State road
 SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Daniel Howell and L. Peake, of the county of Winnebago, and Read Ferson, of Kane county, be and the same are hereby appointed commissioners to view, survey, and mark a State road from St. Charles, in Kane county, to Rockford, in Winnebago county.

Comrs to lo-
cate same
 SEC. 2. The said commissioners, or a majority of them, shall meet at Rockford, in the county of Winnebago, on the first Monday in April, or within four months thereafter, and after being duly sworn before some justice of the peace

faithfully to discharge their duties agreeably to the provisions of this act, shall proceed to view, survey and locate said road on the nearest and most eligible ground from point to point, having due regard to private property and public convenience, and shall make return to the county commissioners' courts of the several counties through which the same shall pass; which return shall be entered of record and filed in the office of the clerk of the county commissioners' court, and said road shall be a public and State road, and kept in repair as other State roads are. To make report

SEC. 3. The said commissioners shall receive such compensation for their services as the county commissioners' courts of the several counties, through which said road shall pass, as they shall deem right and proper. Compensation

APPROVED, March 6th, 1843.

AN ACT to locate a State road from William Brown's, jr., in St. Clair county, to Nashville, in Washington county. In force, Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Jackson Ammons, of Clinton county, Henry Williamson, of Washington county, and Nathan Fike, of St. Clair county, be and the same are hereby appointed commissioners to view, survey and locate a State road from or near William Brown's, jr., of St. Clair county, thence by the nearest and best route to B. C. Nelson's ferry on the Kaskaskia river, and thence on the county road from said ferry to Nashville, Washington county, Illinois. State road

SEC. 2. The said commissioners, or a majority of them, shall meet at the residence of B. C. Nelson, in Washington county, on the first Monday in April next, or some time thereafter which they may agree upon, and after being duly sworn before some justice of the peace faithfully to discharge their duties, agreeably to the provisions of this act, shall proceed to view, survey and locate said road on the nearest and most eligible ground from point to point, having due regard to private property, and shall make return to the county commissioners' courts of the several counties through which the same shall pass; which return shall be entered of record and filed in the clerk's office, and said road shall be a public and State road, and opened and kept in repair as public roads. Com'rs to locate same
Make returns

SEC. 3. Said commissioners shall receive such compensation for their services as the commissioners' courts of the several counties, through which said road shall pass, shall deem just and reasonable; to be paid out of the several county treasuries. Compensation

APPROVED, March 4th, 1843.

In force, **AN ACT** to amend an act entitled "an act to provide for leasing the saline reserves, in Jackson county, and for granting pre-emption rights, &c." Jan. 28, 1843.

Time extended for Holiday to execute bond

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the first section of the act entitled "an act to provide for leasing saline reserve lands, in Jackson county, and for granting pre-emption rights to certain persons therein named," in force February 26th, 1841, as required David Holiday, the commissioner appointed by said act, to enter into bond with good and sufficient security, on or before the first day of May, A. D. 1841, be repealed, and that the said David Holiday may enter into bond, as required by the first section of said act, on or before the first day of April next.

Part of former act repealed

SEC. 2. That so much of the third section of said act as requires Stephen Holiday and Joseph Sorrells to purchase of said commissioner forty acres of said land, including the residence and improvements of the said Stephen Holiday and Joseph Sorrells respectively, at any time before the first day of June, one thousand eight hundred and forty-two, be repealed, and that the said commissioner be hereby authorized and empowered to sell to the said Stephen Holiday and Joseph Sorrells each forty acres of said saline reserve lands, including the residence and improvements of the said Holiday and Sorrells respectively, for the sum of one dollar and twenty-five cents per acre, at any time before the first day of December, in the year of our Lord one thousand eight hundred and forty-three; and in case the said Holiday shall fail to execute a bond, or shall fail to act as such commissioner, it shall be the duty of the county commissioners of Jackson county to appoint a commissioner to act in his stead, who shall execute such bond as is required of said Holiday.

Holiday failing to execute bond, com'rs court to appoint com'r

APPROVED, January 28th, 1843.

In force, **AN ACT** authorising Vermilion and Iroquois counties to sell certain lands, Feb. 25, 1843. and make certain payments to Champaign county, and for other purposes.

Vermilion & Iroquois may sell saline lands

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Vermilion county, and the county commissioners' court of Iroquois county, are hereby authorized to dispose of the saline lands heretofore appropriated to their counties respectively, by an act of the General Assembly of this State, entitled "an act appropriating the residue of the Vermilion saline lands to the counties of Iroquois and Vermilion, for the building of bridges across the Iroquois and Vermilion rivers," approved, 22d July, 1837.

Com'rs of either co. may sell such lands

SEC. 2. The county commissioners' court of either of the above named counties may, at any time when they think it for the interest of the people of their county, dispose of the land

appropriated by the above recited act, and in such manner as in their opinion will best promote the interest of the people of their county.

SEC. 3. So soon as any tract of land shall be disposed of by either of the above named counties, and the same be paid for by the purchaser, the court so disposing of the said land shall deliver to the purchaser a certificate of purchase directed to the Auditor of Public Accounts, which certificate shall contain a full and complete description of said land, and shall be signed by the clerk of said court, and sealed with the seal of said court.

SEC. 4. The Auditor shall, upon presentation to him of said certificate, issue a patent therefor, and which patent shall be issued in the same manner as patents are now issued for school lands, and shall be signed by the Governor and countersigned by the Auditor, whereupon said Auditor shall carefully file away and keep said certificate in his office.

SEC. 5. So soon as the county commissioners' court of either of the above named counties shall have sold two hundred acres out of the lands appropriated to their county by the above recited act, said court shall pay over to the county commissioners' court of Champaign county, the proceeds of one hundred acres of said land, in conformity with the second section of "an act for the building of certain bridges, and changing certain appropriations," approved February 19th, 1839.

SEC. 6. That a law approved February 5th, 1831, providing for the imprisonment of any person who may erect a dam in the Big Vermilion river, be and the same is hereby repealed.

APPROVED, February 25th, 1843.

AN ACT to amend an act entitled "an act to authorize the sale of the saline lands in Bond county." In force, Mar. 4, 1843.

WHEREAS, agreeable to an act entitled "an act to authorize the sale of the saline lands in Bond county," approved March second, one thousand eight hundred and thirty-nine, Thomas Keys and Jacob Drake, of Bond county, were appointed commissioners of the saline lands in said county, with power to sell said lands; and whereas, the said commissioners did sell said lands in pursuance of said act, but in consequence of a legal defect in the obligations of the contracting parties, together with the exceeding pressure in the monetary affairs of the county, the purchasers of said lands have refused to pay their obligations, and many of them have surrendered their contracts as void; and moreover, while this state of things exists said lands are being

stripped of the timber in a manner which will in a short time render them worthless; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners of Bond county shall be and they are hereby authorized to sell any quantity of saline lands, so called, situate in said county of Bond, not exceeding one section, according to the usual sub-divisions of land, upon such terms as they shall deem proper and most advisable; for which purpose the State of Illinois hereby vests whatever right or title [she] may have in any such quantity of land donated as aforesaid.

SEC. 2. The said county commissioners shall, upon the sale of the said lands, reimburse the State for any and all expenses incurred by the State in relation to said lands; said expenses to be ascertained by a statement of the same, to be certified by the Auditor of Public Accounts to said commissioners, and whatever balance may remain after reimbursing the State shall be applied, under the direction of said commissioners, to the construction of a bridge or bridges, or highway or highways, in said county of Bond.

SEC. 3. The county commissioners' court of Bond county shall be and they are hereby authorized to convey all of the aforesaid lands to any person or persons who shall purchase the same under the provisions of this act, and such conveyances shall be good and valid.

SEC. 4. The county of Bond shall not receive any per cent. which she heretofore might have been entitled to arising from the sales of any saline lands, so called, in this State. This act to take effect from and after its passage.

APPROVED, March 4th, 1843.

In force, Feb. 3, 1843. **AN ACT** to authorise the school commissioner of Clay county to settle with the school commissioner of Richland county.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school commissioner of Clay county be and he is hereby authorised and required, on or before the first day of June next, to account and settle with the school commissioner of Richland county, and pay over to the said school commissioner of Richland county the proportion of county school money, in notes, bonds, mortgages, and other evidences of indebtedness, on account of the said county school fund which that part of the said county of Richland that was stricken off to Clay county would be entitled to, according to the census of the year one thousand eight hundred and forty, under twenty-one years of age.

SEC. 2. And upon the payment over by the said school commissioner of Clay county to the school commissioner of Richland county, of the said proportion of county school mo-

ney, which the said part of Clay county that was stricken off and added to the said county of Richland would be entitled to, as provided by the first section of this act. The said school commissioner of Richland county shall execute and deliver to the said school commissioner of Clay county a receipt therefor, who shall file the same with the clerk of the county commissioners' court of said Clay county, after which the said school commissioner of Richland county shall, within thirty days, pay over to the treasurer of the incorporated townships which had been so stricken off of said Clay county, the said county school money in manner aforesaid *pro rata*, and loan said proportion of said school money for the use of the incorporated townships stricken off of the said county of Clay; as aforesaid, if any there be, until they shall become incorporated, when the same shall be paid over to them in due proportion in like manner, with all interest due thereon. But nothing herein contained shall be so construed as to prevent the said school commissioner of Richland county from paying over the interest on said county school fund to the unincorporated townships in the same manner now required by law to support and maintain common schools.

SEC. 3. *And be it further enacted by the authority aforesaid*, that the said school commissioner of Clay county, after he shall have settled with the said school commissioner of Richland county, as is required by the provisions of this act, shall pay the residue of said county school money and interest which may remain in his hands to the incorporated and unincorporated townships of his county, as the said school commissioner of Richland county is required to do by the second section of this act.

SEC. 4. *And be it further enacted*, that the school commissioner of Clay county be and it is hereby made incumbent on him, as soon as he shall receive the interest on the college, school, and seminary fund, that he shall pay over to the school commissioner of Richland that part due her to be apportioned in like manner as the county school fund, until otherwise provided.

APPROVED, February 3d, 1843.

AN ACT to legalize certain proceedings of the trustees of schools for township thirty-three, north of range three east of the third principal meridian, in La Salle county. In force, Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all proceedings of the trustees of schools for township thirty-three north, range three, east of the third principal meridian, in La Salle county, relating to sales of stone heretofore made from the school section belonging to said township, and to all settlements

made with persons who had trespassed upon said school section, be and the same is hereby declared valid and in every respect legal.

Certain trustees of schools in said co. may sell the stone on said school lands

Proviso

SEC. 2. *Be it further enacted*, that the trustees of schools for township thirty-three north, three east of the third principal meridian shall have the power and it is made their duty to delegate one of their number, or such other person as they may deem proper, to act as agent to dispose of the stone upon said school section, in such manner and for such price as may be deemed by the trustees most for the benefit of said township; *Provided*, that all persons having a claim on any stone now quarried and remaining on said section, by any arrangement heretofore made with the trustees, shall have six months from the passage of this act (and no longer) to remove the same.

APPROVED, February 23d, 1843.

In force, Feb. 6, 1843.

AN ACT organizing a school district in Vermilion county, and authorizing the sale of school lands therein.

Boundaries of district

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that part of town twenty north, of range ten, in Vermilion county, be and the same is hereby attached to and shall form a part of the school district situated on range eleven, town twenty, in said county, and shall be subject to all the rules and regulations, and enjoy all the privileges and advantages which by law the school district, situated in range eleven, is now subject to or enjoys.

Com'r may sell land and when

SEC. 2. That the school commissioner of Vermilion county be and is hereby authorized to sell all the school lands situated in range ten, town twenty, in said county, upon the presentation to him of a petition containing the names of four-fifths of the legal voters of said range ten, town twenty, signifying their willingness and desire to have the same sold.

Sale how to be conducted

SEC. 3. That the said school commissioner shall be governed in all respects in the sale of said school lands as now govern in the sale of other school lands in said county.

Application of funds

SEC. 4. That the funds arising from the sale of the school lands, situated in range ten, shall be used for the benefit of the school district composed of range ten and eleven, in town twenty, so long as the same shall compose one district and no longer.

APPROVED, February 6th, 1843.

AN ACT to enable the inhabitants of incorporated townships to dissolve their incorporations. In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever the inhabitants of any Congressional township in this State which may have become incorporated under the provisions of an act making provision for organizing and maintaining common schools, approved February twenty-sixth, one thousand eight hundred and forty-one, shall desire to dissolve the incorporation, and to return the books, papers, and moneys belonging to such township to the school commissioner of the proper county, it shall be the duty of the trustees of schools, upon the application of a majority of the legal voters of such townships, by petition, to cause an election to be held in their townships to enable the inhabitants to decide for or against dissolving the incorporation; the time and place of holding the election shall be appointed by the said trustees, and notice shall be given by posting up advertisements thereof in six of the most public places in said township, at least ten days previous to the day of election; the trustees of schools shall attend on the day of election and conduct the same, four of them acting as judges, and one as clerk, a poll book shall be opened with appropriate headings and columns, and the names of the voters shall be taken down and their votes for or against dissolving the incorporation of the township set down in the proper column, so as to show how they voted; every inhabitant of the township, who at the time of holding the election, would have the right to vote for members of the General Assembly, shall be entitled to a vote; the poll shall be opened by ten o'clock in the morning, and shall not be closed until five o'clock in the evening of said day of election.

Township incorporations may be dissolved
Election may be held for that purpose
Who may vote

SEC. 2. The trustees as aforesaid shall verify the correctness of the poll book by a certificate to that effect over their signatures, and return the same to the school commissioner of the proper county, and if it shall appear from said poll book, that a majority of all the legal voters in said township are in favor of dissolving the incorporation, the same shall be considered as dissolved; *Provided*, that any claim which may legally exist against said township, at the time of the dissolution of its corporate existence, shall be charged to such township by the school commissioner of the proper county, and paid out of the funds to which such township may thereafter be entitled under the before recited act; *And provided, also*, that in case the said school commissioner shall neglect or refuse to make payment of the said claim out of the fund aforesaid, the creditors of the township so indebted, may have their remedy against him, as in other cases.

Poll books to be returned to school com'r
Proviso

SEC. 3. Upon the dissolution of any incorporated township as aforesaid, the trustees of schools shall cause their treasurer to return to the school commissioner of the proper county,

Books & papers to be returned to school com'r

within ten days after said election, all the books, papers, notes, and effects appertaining to the school fund of said township, and said commissioner shall receive and receipt for the same, and shall file said books, papers, notes, and effects in his office, and shall open an account with the said township in the same manner as though the same had never been incorporated.

Judges may
be appointed
if trustees fail
to attend
elections

SEC. 4. In case the trustees of schools, or either of them, shall fail to attend at the time of an election as herein provided, judges of election may be appointed as provided in the sixtieth section of the "act providing for organizing and maintaining common schools," approved February twenty-sixth, one thousand eight hundred and forty-one, who shall make return as hereinbefore pointed out and directed.

Poll books to
be returned to
school com'r

SEC. 5. The poll book of the election for dissolving the incorporation, in case a majority of all the legal voters in said township be in favor of a dissolution, shall be returned to the school commissioner of the proper county, and by him filed in his office.

APPROVED, February 23d, 1843.

In force,
Feb. 23, 1842.

AN ACT concerning the sixteenth section, township one south, range five west, lying in the counties of Washington and Clinton.

Preamble

WHEREAS, section number sixteen, in township number one south, of range number five west, lying in the counties of Washington and Clinton, having been sold by the school commissioner of Washington county, on the — day of —, one thousand eight hundred and forty or one thousand eight hundred and forty-one, on a credit of one, two and three years to the highest bidder; and whereas, doubts having existed as to the legality of said sale, on account of a majority of said section lying and being in the county of Clinton; and whereas, on account of said doubts, the school commissioner of the county of Clinton did, on the — day of —, one thousand eight hundred and forty-two, proceed to re-sell said section according to law, reserving, however, from sale for ferry privileges lots number five and six; therefore,

Sale of school
lands made
by the school
com'r of
Clinton co.
legalized

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sale made by the school commissioner of the county of Clinton be good and valid in law to all intents and purposes, and that the school commissioner of Washington county be and he is hereby required to re-deliver to the first purchasers of said section, on their application for the same, all notes, mortgages and other evidences of debt whatever, on account of said first sale, and make record thereof on the proper books in his office, and preserve the same; *Provided, however,* the said township shall

be liable for the costs of taking notes and mortgages, and recording the same for the first sale.

SEC. 2. It shall be the duty of the school commissioner of the county of Clinton, on or before the first Monday in May next, to sell, on the premises to the highest responsible bidder, for cash down, lots number five and six in said sixteenth section, which were reserved from sale by the school commissioner of Clinton county for ferry privileges, the purchaser or purchasers thereof to be allowed the privilege of borrowing the purchase money by complying with the laws which may exist at the time of said sale, in relation to the loaning of money belonging to the school or township funds.

School com'r of Clinton to sell lots 5 & 6 for cash down
Purchaser may borrow money

SEC. 3. The said purchaser or purchasers of the said lots, and their successors, shall have and enjoy all the ferry privileges belonging to or in any wise pertaining to the said sixteenth section, forever; *Provided, however,* that the said purchaser or purchasers, as the case may be, or their successors, shall, within or before the expiration of three years from and after the day of sale of said lots, make or cause to be made above high water mark, the road leading to and from said ferry in the river bottom, by bridging, causewaying and throwing up, or leveeing, so as to afford at all times a good and safe passage for all waggons and other vehicles travelling thereon.

Purchaser to have ferry privileges
To make a certain road

SEC. 4. The county commissioners' court of Washington county shall always have the power from year to year to regulate and fix the rates of toll or ferriage to be received for crossing at said ferry, also, of assessing a tax on the same, if they shall think proper, from year to year; which tax shall be collected as other assessments are, and paid into the township treasury, to be applied as other township funds are.

Ferry to be regulated

SEC. 5. The school commissioner of Clinton county shall, previous to the day of sale, give notice thereof by posting up written advertisements in both counties, as now required to be done by law regulating the sale of school lands in this State, and by giving at least four weeks notice in the nearest newspaper published to said land.

Notice of sale how given

SEC. 6. If the school commissioner of Clinton county shall fail or refuse to comply with the provisions of this act, then and in that case it shall be the duty of the school commissioner of Washington county to carry into effect the provisions of this act as soon thereafter as he can advertise the same according to law.

Duty of co. com'rs in relation to this law

APPROVED, February 23d, 1843.

In force, **AN ACT** to enable the inhabitants of school townships in Hancock county
Feb. 25, 1843. to purchase the school lands therein.

Purchasers of sec. sixteen in Hancock co. may be released of their notes, &c.

Conditions

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school commissioner of Hancock county, or the trustees of townships, as the case may be, are hereby authorised and required to cancel and release to the purchasers of section sixteen, in township four north, of range nine west, in said county, or to their legal representatives, all notes, bonds, mortgages, and other evidence of indebtedness, given by said purchasers to the school fund of said township, whether the same or any part thereof have been prosecuted to judgment or not; upon the said purchasers releasing to the State, for the use and benefit of said townships respectively, all right, title, and claim they may have acquired to the said school lands therein, and paying all interest due upon the purchase money up to the twenty-third day of August, one thousand eight hundred and forty-two, without reference to the forty-second section of "an act for organizing and maintaining common schools," approved February twenty-sixth, one thousand eight hundred and forty-one, which interest may be paid in real estate, at two-thirds of its appraised value, the same to inure to the State for the benefit of the inhabitants of said townships, as other school lands, and the said school commissioner or trustees, as the case may be, are hereby vested with full power and authority to make such final settlement with said purchasers as is just and equitable, having reference to the rights of all the purchasers and their securities, as well as the interest of the said townships.

How to proceed if any liabilities exist on part of purchasers in consequence of minimum prices

SEC. 2. In case any legal inability exists on the part of any of the purchasers aforesaid, or their legal representatives, in consequence of minor heirs, or in any other way, to release to the State their interest in and to any part or portion of said lands, it shall be the duty of said commissioner or trustees, to foreclose the mortgage given upon the same, and proceed to sell and purchase, at the price at which it was originally sold, the said lands, and to proceed to collect interest upon the same up to the said twenty-third day of August, one thousand eight hundred and forty-two, without reference to the forty-second section of an act entitled "an act making provisions for organising and maintaining common schools," approved February twenty-sixth, one thousand eight hundred and forty-one; and the circuit court of said county is hereby vested with power as a court of chancery, to make such orders and decrees in the premises as may appear just and proper; *Provided*, that in no instance shall any thing be allowed to any of the purchasers of said lands for any improvements or erections made thereon.

Extent of the act

SEC. 3. This act shall extend to, and be in force, in relation to all other townships in said county, when two-thirds of the legal voters of said townships shall petition the school com-

missioner or trustees, to avail themselves of its provisions; *Provided*, the purchasers of school lands in said townships, or their legal representatives, express a desire in writing to relinquish the same, or any part thereof, under the provisions herein contained.

SEC. 4. The school commissioner or trustees of such townships in Hancock county as may acquire title to land in the sixteenth sections, or elsewhere, under the provisions of this act, shall have power ^{School comrs may lease lands} to lease the said lands, or any part thereof, for any term not exceeding ten years; which letting shall be at public auction, with previous general notice; by advertisement, for thirty days, to the highest bidder for the same, reserving an annual or semi-annual rent for purposes of schools in said townships, and the said commissioners or trustees shall be authorised to sue and be sued by the title of commissioner or trustees as a corporation, in relation to such leases and the rent reserved, and may distrain for rent in arrears as in other cases. This act to be in force from and after its passage; *Provided, however*, the school commissioner of Hancock county, or the trustees of school lands, as the case may be, shall not be compelled to carry this act into effect in relation to town four north, of range nine west, in said county, until they make application in manner and form set forth in the third section of this act.

APPROVED, February 25th, 1843.

AN ACT organizing a school district in the county of Iroquois, and authorizing the sale of school lands therein. In force,
Jan. 21, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that part of town twenty-seven, situated in range ten, in Iroquois county, be and the same is hereby attached to and shall form a part of the school district situated on range number eleven west, township twenty-seven north, in said county, and shall be subject to all the rules and regulations, and enjoy all the privileges and advantages, which by law the school district situated in range eleven is now subject to or enjoys. Formation of
school district

SEC. 2. That the school commissioner of Iroquois county be and he is hereby authorized to sell all the school lands situated in range ten, town twenty-seven north, in said county, upon the presentation to him of a petition containing the names of a majority of the legal voters of said range ten, town twenty-seven, signifying their willingness and desire to have the same sold. Sale authorized
Petition for sale

SEC. 3. That said school commissioner shall be governed in all respects in the sale of said school land as now governed in the sale of other school land in said county. Sale to conform to general law

SEC. 4. That the fund arising from the sale of the school

Fund how
applied

land, situated in range ten, shall be used for the benefit of the school district composed of ranges ten and eleven, in town twenty-seven north, so long as the said ranges shall compose one school district, and no longer.

APPROVED, January 21st, 1843.

In force, Jan. 28, 1843. AN ACT organizing a school district in Vermilion county, and authorizing the sale of school lands therein.

Town 17. r.
10 attached
to dis. on r.
11, t. 17

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of town seventeen, situate in range ten, in Vermilion county, be and the same is hereby attached to and shall form a part of the school district situate on range eleven, town seventeen, in said county, and shall be subject to all the rules and regulations, and enjoy all the privileges and advantages, which by law the school district, situate in range eleven, is now subject to or enjoys.

How certain
school lands
may be sold

SEC. 2. That the school commissioner of Vermilion county be and is hereby authorized to sell all the school lands situated in range ten, town seventeen, in said county, upon the presentation to him of a petition containing the names of four-fifths of the legal voters of said range ten, town seventeen, signifying their willingness and desire to have the same sold.

Sale how
made

SEC. 3. That said school commissioner shall be governed in all respects, in the sale of said school lands, as now govern in the sale of other school lands in said county.

Application
of fund

SEC. 4. That the fund arising from the sale of the school lands situated in range ten shall be used for the benefit of the school district, composed of ranges ten and eleven, in town seventeen, so long as the said ranges shall compose one school district and no longer.

APPROVED, January 28th, 1843.

In force, Feb. 3, 1843. AN ACT to legalize defective returns of the school directors and treasurers of townships in the counties therein named.

Time extend-
ed for trans-
acts in Jack-
son & Clin-
ton counties
to make re-
turns

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the returns of the treasurers of school trustees of the several townships, and the returns of the trustees of school lands in townships not incorporated in the counties of Jackson and Clinton, to the school commissioners of said counties, of the number of white children under the age of twenty years, residing within the several townships in said counties, that have not been made, and where made, have not been in conformity with the law now in force, there shall be further time to perfect and make said

returns until the first day of May next, to make and perfect them, where the same are illegally made, and to make returns where the same have not been made in the counties afore-said.

SEC. 2. All moneys in the hands of the school commissioners of said counties subject to distribution, which have not been distributed, shall be by the said commissioners as soon as the provisions of this act shall have been complied with, and the said commissioners, in apportioning the same, shall make the apportionment according to the number of children returned according to the provisions of this act, and in manner and form as is now provided for by law; any thing in the laws heretofore in existence to the contrary notwithstanding. This act to take effect from and after its passage.

Comrs required to distribute money

Distribution how made

APPROVED, February 3d, 1843.

AN ACT to alter the provisions of "an act making provisions for organizing and maintaining common schools," approved February 26th, 1841. In force, Feb. 20, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in any case where the school directors of any school district, or the trustees of school lands in townships not incorporated, have failed or neglected to furnish the number of white children under the age of twenty years for the years of our Lord one thousand eight hundred and forty-one and forty-two, as directed and required by the ninety-second section of the "act making provisions for organizing and maintaining common schools," approved February twenty-sixth, one thousand eight hundred and forty-one, it shall be lawful to furnish the number of such children, on or before the first day of May, in the year of our Lord one thousand eight hundred and forty-three, and in any case where the number of such children shall be so furnished, such school districts or townships not incorporated, shall be entitled to receive their respective portions of the school, college, and seminary fund not heretofore distributed, and which is hereafter to be distributed; any thing in the ninety-fifth section of the said act to the contrary notwithstanding. This act to take effect from and after its passage.

Time extended for furnishing number of children

When districts entitled to their portion of school fund

SEC. 2. That the Secretary of State be required to have this act published in the paper of the public printers immediately after its passage.

This act to be published

APPROVED, February 20th, 1843.

In force, AN ACT relating to schools in township thirty-five north, of range twelve
Mar. 1, 1843. east, in Will county.

Relating to
school lands
in Will co. SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of schools of township thirty-five north, of range twelve east, in Will county, are hereby authorised and empowered to settle with the purchasers of school lands in said township, and in all cases wherein they may deem it for the interest of the school fund of said township, they may take from the the purchasers a re-conveyance of said lands hereafter sold, and discharge the debts due for the same upon the purchasers paying all interest due upon the debts so to be discharged.

APPROVED, March 4th, 1843.

In force, AN ACT to amend an act entitled "an act to incorporate the Rock river
Feb. 3, 1843. seminary, in Ogle county, Illinois."

Location SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the seminary mentioned in the act to which this is an amendment shall be located in town twenty-four north, range nine, east of the fourth principal meridian, and on section twenty-seven, in Ogle county, Illinois. The trustees shall hold at least one meeting in each year for business, and may appoint other stated meetings of the board; special meetings may at any time be held by order of the president or any three members of the board, a majority of whom shall constitute a quorum to do business; and it shall be lawful for the Rock river conference of the Methodist Episcopal church to appoint annually a board of visitors consisting of six persons, who shall have power to sit with the board of trustees, at their annual meetings, and participate with them ex-officio as members of the board, in the appointment of the board of instruction, and filling vacancies in the board of trustees, as provided for in the tenth section.

Annual meetings of trustees
Special meetings may be called
Board of visitors may be appointed
Powers of visitors

Repeal of 9th section SEC. 2. The ninth section of the act to which this is an amendment shall be and the same is hereby repealed.

APPROVED, February 3d, 1843.

In force, AN ACT to incorporate the Monticello Female Seminary.
Feb. 23, 1843.

Monticello
Female seminary incorporated SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Theron Baldwin, Enoch Long, Winthrop S. Gilman, Benjamin Godfrey, and Cyrus Edwards, and their successors, be and they are hereby created a body politic and corporate, to be styled and known by the name of the trustees of Monticello Female Seminary, and by that style and name to remain and have perpetual

succession. The said seminary shall be and remain at Monticello, in the county of Madison. The number of trustees shall never exceed five, including the president of the seminary, who shall be ex-officio a member of the board of trustees.

SEC. 2. The objects of said corporation shall be the promotion of female education.

SEC. 3. The corporate powers hereby bestowed shall be such only as are essential or useful in the attainment of said object, and such as are usually conferred on similar bodies corporate, to wit: to have perpetual succession, to make contracts, to sue and be sued, plead and be impleaded, to grant and receive by its corporate name, and to do all other acts as natural persons may, to accept, acquire, purchase, or sell property, real, personal, or mixed, in all lawful ways, to use, employ, manage, and dispose of all such property, and all money belonging to said corporation, in such manner as shall seem to the trustees best adapted to promote the object before mentioned; to have a common seal, and to alter or change the same, to make such by-laws for its regulation as are not inconsistent with the constitution and laws of the United States or of this State.

SEC. 4. The trustees of said corporation shall have authority from time to time, to prescribe and regulate the course of studies to be pursued in said institution, to fix the rates of tuition, and other expenses, to appoint instructors, and such other officers and agents as may be necessary in managing the concerns of the institution, to define their duties, to fix their compensation, and to displace or remove them, to erect necessary buildings, to purchase books, chemical and philosophical apparatus, and other suitable means of instruction, to make rules for the general government of the affairs of the institution, and for the regulation of the conduct of the students.

SEC. 5. The trustees for the time being, in order to have perpetual succession, shall have power to fill any vacancy which may occur in the board, from death or otherwise. Three members shall constitute a quorum to do business.

SEC. 6. It shall be the duty of the trustees to appoint one of their number a treasurer, who shall be required to give bond, with sufficient security, in such penal sum as the board may prescribe, conditioned for the performance of such duties as the by-laws may require of him.

SEC. 7. The said institution shall be open to all denominations of christians, and the profession of any particular religious faith shall not be required of those who become students.

SEC. 8. The trustees shall faithfully apply all funds collected, or hereafter to be collected, for said seminary, according to their best judgment; *Provided*, that in case any donation, devise, or bequest, shall be made, for particular purposes, accordant with the objects of the institution, and the trustees shall accept the same, every such donation, devise, or bequest,

shall be expressly applied in conformity with the condition prescribed by the donor or deviser.

APPROVED, February 23d, 1843.

In force, **AN ACT** to incorporate the Juliet Seminary, and to elevate the primary
Mar. 4, 1843. school in township thirty-five north, of range ten east.

Trustees of Juliet Institute incorporated
SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the school districts in township thirty-five north, range ten east, in Will county, which shall, by a vote of two-thirds of the legal voters in the respective districts, elect to avail themselves of the benefits of this act, shall be under the control of a board of education, to be known by the name and style of the trustees of the Juliet Institute.

Number of trustees
SEC. 2. The board of trustees of said institute shall consist of nine members, of whom the county commissioners of the county of Will for the time being, shall be three, and the school commissioner of said county shall be one, and the residue shall be elected annually by the legal voters in the district which shall become incorporated under the provisions of this act; and said trustees shall hold their offices until their successors are qualified; and said trustees, when so elected and qualified, in conjunction with the other trustees, shall be authorised to execute the powers granted by this act, and in all cases a majority of said trustees shall form a quorum for the transaction of business. Said board of trustees shall be a body politic and corporate, with power to sue and be sued, plead and be impleaded, in all courts of law or equity in this State.

General powers
SEC. 3. The board of trustees shall have and exercise all the powers granted by the laws of this State to the trustees of schools of township thirty-five north, of range ten east, over the districts subject to the provisions of this act, and shall be subject to the same liabilities. They may purchase and hold real estate to them and their successors in perpetuity; they may also sell and convey the same or lease the same, as may be deemed for the interest of the institute; they may also hold and control, as aforesaid, real estate or personal property, whether purchased or donated; *Provided*, that all donations made to said institute shall be faithfully applied according to the true intent of the same. Said trustees shall have power to build such buildings as in their opinions the interest of the institute requires; *Provided*, that the buildings for teaching the higher branches of learning shall be located within the village of Juliet, West Juliet, or some one of the additions to Juliet.

Powers
SEC. 4. Said board of trustees shall also have power to create such departments of learning as they may deem expedient and consistent with their means, and to appoint thereto

and employ, during pleasure, such teachers, professors, and other persons as may be necessary, and to fix their compensation; they may also establish by-laws for the government of said institute, which laws, when published, not being inconsistent with the laws of this State, shall be binding on all persons connected with said institute.

SEC. 5. The annual meetings of said trustees shall be held on the next Friday after the first Monday in June in each year, and the quarterly meetings on the Fridays next after the first Mondays in September, December, and March, and until otherwise ordered, shall be held at the court house in Juliet, and at such meetings they may adjourn from time to time for the necessary transaction of business. Special meetings of the board may be held, upon written application of any three of the members to the remaining members, naming the time. The trustees shall organise at their first meeting in June next, by choosing a president from among their members by ballot, and a secretary, who shall keep a record of their proceedings in a book to be provided for that purpose, which shall be at all times accessible to the trustees and treasurer. They shall also elect a treasurer of the institute, who shall, so far as is consistent with this act, be subject to all the regulations and restrictions, and be under the same bonds and penalties, and receive the same compensation, as treasurers of townships are and do by law.

SEC. 6. The funds of the Juliet Institute shall consist, first, of that portion of the funds of township thirty-five north, range ten east, which may belong to such of the school districts in said townships as shall decide to place their respective share of said funds in the institute by a vote of two-thirds of the legal voters in said district respectively; secondly, so much of said township's share of the school, college, and seminary funds, including its share of said funds due from Cook county, as shall in like manner be placed in said institute, by the vote of the districts as aforesaid; thirdly, of said township's share of the college and seminary funds appropriated, or which may be hereafter appropriated, to Will county; fourthly, of all donations of every kind which may be made to said institute, whether of lands, money, evidences of debt, or other thing of value. Said township, and college, and seminary funds, to be loaned out as township funds are now required by law to be loaned out, and the interest to be annually applied in support of said institute.

SEC. 7. If in any of the aforesaid districts in said township, after paying all tuition, there shall remain a surplus of interest, the same may, at the discretion of the trustees, be appropriated to other departments of the institute, or be set apart as a fund for building and improvements; *Provided, however,* enough of said interest shall be annually added to the principal, to make good any unavoidable loss of said principal.

SEC. 8. The second and third items of the funds of the institute, and the interest arising from the fourth item, shall be appropriated from time to time as the same shall be received, to the support of teachers in the higher departments of the institute, and for the incidental expenses of the same, unless in the opinion of the trustees it be deemed for the interest of the institute to set apart a portion of the said interest as a fund for the purchase of ground and for building, or to keep the fund good.

Trustees may
hire suitable
rooms for
schools

SEC. 9. Until the necessary buildings shall be erected the trustees of the institute may hire suitable rooms for schools, and the schools for the primary branches of instruction shall always be located at such convenient places among the inhabitants as shall best accommodate the inhabitants who shall accept the provisions of this act, without reference to the limits prescribed in the third section of this act.

No preference
in terms of
admission
of scholars

SEC. 10. In prescribing the terms of admission to the higher departments of the institute no preference shall be given to the scholars of said township over other scholars in Will county.

Vacancy how
filled

SEC. 11. If by death, permanent absence, or resignation, or refusal to act, the number of trustees shall be reduced, the remaining trustees may, by ballot, elect from the citizens of said township others to fill the vacancies until the next annual election.

Funds to be
delivered to
treasurer

SEC. 12. Upon the organization of the trustees of the Juliet Institute, the election of the treasurer thereof, and the approval of his bond by the trustees, the clerk of said board of trustees shall record the same and give an abstract thereof to the treasurer of the institute, and upon presentation of such abstract to the treasurer of the trustees of schools of the township, he shall immediately deliver over to the treasurer of the institute all of its share of the township funds, whether the same be in cash, notes, bonds, mortgages, or other evidences of indebtedness.

Certain town
to constitute
one district

SEC. 13. To facilitate the objects of this institute, the towns of Juliet, East Juliet, and West Juliet, with their additions, may, if the legal voters shall so elect, constitute one school district, and in such case the powers and duties of school directors of the same shall vest in the trustees of the institute.

Trustees to
receive no
compensation
Clerk's fees

SEC. 14. No compensation shall be allowed to the trustees of the Juliet Institute except for necessary expenses actually incurred in the discharge of their duties. Their clerk may be allowed, at the discretion of the trustees, a sum not exceeding two dollars per day for every day actually employed in the necessary discharge of his duties, and one-half that amount for each half day so employed.

Districts how
incorporated

SEC. 15. If at any time two-thirds of the legal voters of any school district which shall have become incorporated in said institute shall elect to become separated from the same, they shall thereupon be separated from said institute, and in that

case the share of said district, (to be ascertained by relative number of scholars, under the age of twenty years, within the same) of the township funds, and of the interest of the school, college, and seminary funds, shall be returned to the treasurer of the trustees of the township or to the school commissioner of the county for the use of said district.

SEC. 16. The act approved the twenty-sixth day of February, A. D. one thousand eight hundred and forty-one, entitled "an act to legalize certain proceedings of the inhabitants and trustees of schools, of township thirty-five north, of range ten east, in Will county," shall be construed to apply to and confirm the proceedings of said inhabitants and trustees had and done in the year A. D. one thousand eight hundred and forty, and not in the year A. D. one thousand eight hundred and thirty-nine, as inserted in said act by mistake.

APPROVED, March 4th, 1843.

AN ACT to authorize a settlement with Macalister & Stebbins, and further to diminish the State debt. In force,
Mar. 4, 1843.

WHEREAS, Messrs. Macalister & Stebbins, of the city of New York, have received from John D. Whiteside, Fund Commissioner, of this State, eight hundred and four interest bonds of this State, of one thousand dollars each, on hypothecation, and seventy-one internal improvement bonds from the said Fund Commissioner on deposit, or otherwise; and also, bonds and scrip from Michael Canada, to the amount of thirty-eight thousand two hundred and fifteen dollars and forty-four cents, upon which said securities the said Macalister and Stebbins claim the credit of an advance of two hundred and sixty-one thousand and five hundred dollars, on or about the seventeenth day of June, one thousand eight hundred and forty-one, upon which interest is due; and whereas, further, although the said Fund Commissioner was not authorized by the laws of this State to hypothecate said interest bonds, nor is it the intention of the Legislature, by the passage of this act, to legalize the same; yet it appearing that the above sum of two hundred and sixty-one thousand and five hundred dollars has been applied to the use of the State, and the Legislature being desirous of making provision for the payment of all moneys advanced for and applied to its use; therefore,

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Auditor of Public Accounts be and he is hereby required to issue his warrants upon the treasury, to the said Macalister and Stebbins, for the sum of two hundred and sixty-one thousand and five hundred dollars, with interest from June seventeenth, one thousand eight hundred and forty-one, as follows: twenty thou-

Auditor to issue warrants to Macalister & Stebbins

Proviso

sand dollars to be paid in 1844, and fifty thousand dollars annually thereafter, until the whole amount is paid; *Provided*, that previous to the issuing of said warrants to said Macalister and Stebbins, they shall surrender to the Auditor of Public Accounts the bonds and other State liabilities described in the preamble. The amount of bonds and scrip surrendered to be in proportion to the warrants to be issued, so that when the whole amount of warrants for the said sum of two hundred and sixty-one thousand and five hundred dollars, with the interest, shall have been issued, the whole amount of bonds and other liabilities which were hypothecated and deposited and as described above, shall have been surrendered; said warrants to bear interest payable annually; *Provided*, that the said Macalister and Stebbins shall first surrender of the securities herein named, the seventy-one internal improvement bonds, and the thirty-eight thousand two hundred and fifteen dollars and forty-four cents of scrip.

Macalister & Stebbins to surrender State indebtedness

Appropriation to pay warrants

SEC. 2. That any money in the treasury, after defraying the ordinary and current expenses of the State, is hereby appropriated to the payment of said warrants as they respectively mature.

Warrants may be drawn in favor of other persons holding said bonds

SEC. 3. That in case any of said bonds shall be presented to the Auditor by any other person or persons than the said Macalister and Stebbins, the Auditor may issue his warrants upon the treasury as aforesaid to the holders thereof, and the amount of said warrants shall be charged against the amount which is now due Macalister and Stebbins; *Provided*, the holders of said bonds shall be required to furnish the Auditor satisfactory testimony that the amount claimed by them was loaned upon the hypothecation of said bonds, and that no part of it has been repaid them by Macalister and Stebbins; *And provided, further*, that the amount to be paid to said person or persons shall not exceed twenty-six per cent.

SEC. 4. That the first, second, fourth, fifth, sixth and seventh sections of an act entitled "an act to provide for the payment of interest on the public debt," approved February 27th, 1841, be and the same is hereby repealed.

APPROVED, March 4th, 1843.

In force,
Mar. 4, 1843.

AN ACT relating to the State treasury.

Fund Com'r to pay money into State treasury

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the present Fund Commissioner be and he is hereby required to pay over to the State Treasurer all notes of the State Bank of Illinois, and of the Bank of Illinois at Shawneetown, together with all other moneys or other funds belonging to the State, and take the Treasurer's receipt therefor.

SEC. 2. The Treasurer is hereby directed and required to proceed, without delay, to demand and collect the amount due to the State of Illinois from James Barret and other agents, who may have still in their hands funds or moneys due to or belonging to the State, and give his receipt therefor.

To collect
amount due
from J. W.
Barrett

SEC. 3. The Treasurer shall, on or before the sixth day of March instant, pay out the money so received, together with all other money in the treasury, upon all Auditor's warrants, issued after the passage of this act, and presented to him for payment, at the rate of fifty per cent. discount.

S. Bank pa-
per how paid
out

SEC. 4. The Governor of this State is hereby authorised to take all such steps as may be necessary to obtain the amount of all moneys to be received by this State from the United States, under the law providing for the division of the proceeds of public lands, and also all money now on hand, and hereafter to be received, of the three per cent. fund, from the United States, shall be paid into the treasury of this State, under the provisions of laws now existing, out of which said moneys so received and paid into the treasury the Treasurer is hereby required to pay all warrants hereafter to be issued, or which have been issued on account of interest due on the school, college, and seminary fund, for the year one thousand eight hundred and forty-two, and the balance of said funds, when received, be placed in the State treasury, and paid out as other moneys are.

Gov. to re-
ceive money
due State
from U. States

Int. on school
fund to be first
paid

SEC. 5. The said treasurer shall proceed to pay out any money remaining in his hands thereafter, on any warrants which may be presented, at the rate of fifty per cent. discount, for said bank notes and specie at par.

Residue to be
paid on war-
rants

APPROVED, March 4th, 1843.

AN ACT relative to the roof of the State House.

In force,
Jan. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Secretary of State be directed to employ immediately some suitable person or persons to repair the roof of the State House with suitable materials, having reference to durability and competency to prevent the same from leaking.

Sec. of State
to repair roof
of State
House

SEC. 2. The sum of six hundred dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to carry into effect the provisions of the first section of this act. This act to take effect from and after its passage.

Appropriation of \$600

APPROVED, January 24th, 1843.

In force,
Mar. 4, 1843.

AN ACT making an appropriation to finish part of the State House.

State House
appropriation

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of two thousand dollars is hereby appropriated for the finishing of the Hall of the House of Representatives, and the sum of four hundred dollars is hereby appropriated (in addition to the six hundred dollars already appropriated) for the repairing the roof of the State House.

How expen-
ded

SEC. 2. The sums appropriated by the first section of this act shall be under the control and direction of the Secretary of State, Auditor, and State Treasurer, who shall proceed forthwith to have the roof of the State House repaired in a safe and durable manner, so as to secure the building from injury, and shall, previous to the sitting of the next Legislature, procure the finishing of the Hall of the House of Representatives; and the Secretary of State, Auditor, and State Treasurer, in the discharge of the duties required of them by this act, shall be subject to the provisions of "an act requiring the Secretary of State and State Treasurer to take charge of the public buildings, and for other purposes."

APPROVED, March 4th, 1843.

In force,
Dec. 15, 1842.

AN ACT concerning the State Library.

State library
constituted

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the books now belonging to the State, and such as shall be hereafter purchased or received by the State, except the law books now in the custody of the clerk of the Supreme Court, and such additions as hereafter may be made to them, which shall remain under the direction and control of the Supreme Court, shall be kept in the office of the Secretary of State, and shall compose the State library.

Sec. of State
to be librarian

SEC. 2. The Secretary of State shall be librarian, and take charge of the library and all papers, maps, and charts properly belonging thereto, under such regulations as are hereinafter established, and shall take special care that none of them be lost or injured.

Books may be
taken from
library

SEC. 3. Books may be taken from the State library by the members of the General Assembly and their officers during the session of the Legislature, and at any time by the Governor and the officers of the Executive department of this State, who are required to keep their offices at the seat of government, the justices of the Supreme Court and Attorney General; *Provided*, that no person shall be permitted to take or detain from the library more than two volumes of miscellaneous works at any one time.

Only two
books to be
taken at a
time

SEC. 4. The librarian shall cause to be kept a register of

all books issued and returned at the times they shall be so issued and returned, and none of the books, except the laws, journals, and reports of this State, which may be taken from the library by members of the Legislature or their officers, during the session, shall be retained more than two weeks, and all the books taken by members of the General Assembly or their officers, of every kind, shall be returned at the close of the session.

Duty of librarian

SEC. 5. If any person injure or fail to return any book taken from the library, within the time prescribed in the foregoing section, he shall forfeit and pay to the librarian, for the benefit of the library, three times the value thereof or of the set to which it belongs; and before the Auditor shall issue his warrant in favor of any member or officer of the General Assembly, for his services during the session, he shall be satisfied that such member or officer has returned all books taken out of the library by him, and has settled all accounts for injuring such books or otherwise.

Penalty for injuring or not returning books

Auditor not to issue warrants to members till books are returned

SEC. 6. All fines and forfeitures accruing under and by virtue of this act shall be recoverable by action of debt before any justice of the peace or court having jurisdiction of the same, in the name of the people of the State of Illinois, for the use of the State library; and in all such trials the entries of the librarian, to be made as hereinbefore described, shall be evidence of the delivery of the book or books, and of the date thereof; and it shall be his duty to carry this act into execution and sue for all injuries done to the library and penalties under this act.

Fines how returned

Entries of librarian to be evidence

APPROVED, December 15th, 1842.

AN ACT to authorize the county commissioners of Lee county to levy a tax. In force, Feb. 2, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county commissioners' court of Lee county are hereby authorized to levy a yearly tax, not exceeding one and one-half per cent. on every one hundred dollars worth of taxable property, for county purposes, until the lands brought into market, at the land office at Dixon, on the thirtieth day of May, one thousand eight hundred and forty-two, shall become taxable. This act to be in force from and after its passage.

Lee co. authorised to levy tax

Expiration of act

APPROVED, February 2d, 1843.

In force, AN ACT in relation to the taxes of Fulton county for the year one thousand eight hundred and thirty-nine.
Mar. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Cannah Jones, collector of Fulton co. for 1839 to collect unpaid taxes for that year, be and he is hereby authorised to proceed to advertise, obtain judgment against, and sell all tracts or parcel of lands or town lots for which the taxes for said year remain due and unpaid, in like manner as he could have done had he sold said delinquent lands in said year one thousand eight hundred and thirty-nine.

SEC. 2. All lands and lots sold under the provisions of this act shall be subject to redemption the same as in other cases of land sold at tax sales; *Provided*, that the redemption of lands sold under the provisions of this act shall not affect the necessity of redemption from prior tax sales.

APPROVED, March 1st, 1843.

In force, AN ACT to authorise the levying of taxes for school purposes in township eleven north, range one east.
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever a majority of the legal voters residing within any one of the school districts in township numbered eleven north, of range one, east of the fourth principal meridian, in the county of Knox, shall deem it necessary to buy, build, or repair a school house or school houses, or to purchase a site for the erection of a school house or school houses, in their districts, they may request the school directors of such district, in writing, to call a meeting of the legal voters within said district. The said school directors, upon such request, are hereby authorised and required to call such meeting, by posting up notices at five of the most public places in their district, of the time when, and the place where such meeting shall be held, at least fifteen days before the time of meeting; two of the said school directors shall preside at said meeting, one of whom shall act as clerk, and if a majority of the legal voters in said district shall vote to levy a tax for either the purposes aforesaid, then a vote shall be taken as to the sum to be levied, and the vote shall be first taken on the highest sum proposed, and so down, until a majority of all the legal voters within the said district shall agree.

SEC. 2. The school directors, if the said voters shall vote to levy a tax as aforesaid, shall appoint some suitable person to assess all property lying within the said district, and belonging to the inhabitants of said district, who shall make return of his assessment to the said directors within twenty days after he shall be appointed. He shall receive such compen-

sation as the school directors may think reasonable; and shall take an oath faithfully to discharge the duties of his office.

SEC. 3. It shall be the duty of any constable of the justice's precinct within which such school district may lie, upon being directed by the said school directors, to collect all such taxes as by the vote of the district shall be levied, and to pay over all moneys, when collected, to the treasurer of the said township, within fifteen days after such collection, except five per centum, which he shall retain for his services, taking the receipt of the treasurer for the same; and the said treasurer shall keep all moneys so received separate and apart from all other funds in his possession, and shall hold them subject to the order of the said directors, and shall be responsible for them, as for other school funds in his possession.

Which may
be collected
by a constable

SEC. 4. The school directors of any such school district, or a majority of them, shall furnish the collector of the said taxes with a warrant in the following form, which shall be his authority to collect the same in the manner therein directed:

STATE OF ILLINOIS, }
COUNTY OF KNOX. } ss.

To A. B., collector of school district numbered ———, in township eleven north, range one east, GREETING: In the name of the people of the State of Illinois, you are hereby commanded to collect from the inhabitants of said school district the several sums of money written opposite their respective names in the annexed list, and within sixty days after receiving this warrant, to pay the amount of money collected by you into the hands of the treasurer of said township, and if any one or more of the said inhabitants shall neglect or refuse to pay the same, you are hereby further commanded to levy on the personal goods and chattels of each delinquent, and make sale thereof according to the law regulating the collection of State and county taxes within this State.

Form of
warrant to
collect said
tax

Given under our hands this ——— day of ———, A. D. 184—.

Tax list annexed.

C. D. \$2 00
H. W. 1 50

P. N——, }
M. Y——, } School
C. H——, } directors.

And the said constable, and his securities in his official bond as constable, shall be responsible for the due performance of his duties in this behalf, as in other cases, when he may be required to collect and pay over moneys, or do any other act of similar nature in his official capacity as constable, and suit may be maintained against him and his securities aforesaid, in the name of the treasurer of said township, for any defalcation, dereliction, misfeasance, malfeasance, or non-feasance in the duties required of him to be performed by this act, and the sum or sums recovered in such suit or suits shall be for the use of and subject to the control of the school district by whose directors [directions] the said constable shall have been required to collect as aforesaid.

Constable &
his securities
liable for the
money col-
lected

SEC. 5. As soon as a majority of the voters of any such

Directors may receive proposals for building school houses school district shall have agreed to levy a tax as aforesaid, for the purpose of buying or repairing a school house, the school directors of such school district are authorised to receive proposals for building or repairing a school house in said district, and the lowest bidder, who is sufficiently responsible, offering to do the same, according to the plan and specifications of the said directors, shall receive the contract.

Directors may purchase school house SEC. 6. If a majority of the voters of any such school district shall agree to levy a tax, as aforesaid, for the purpose of purchasing a school house already erected, then it shall be the duty of the school commissioner of Knox county to appoint three disinterested discreet persons to appraise the value of the house proposed to be purchased, in cash, and the said appraisers, having been notified of their appointment in writing, under the hand of the said commissioner, shall take and subscribe an oath, faithfully and justly to make the said appraisalment, before some justice of the peace of said county of Knox, and shall appraise the said house, and certify their said appraisalment in duplicate, one copy of which shall be returned to the said commissioner, and one delivered to the said directors, and in no case shall the said directors give for [any] house to be purchased by them, a greater sum than the said appraisalment; and the treasurer of said township shall pay to the said appraisers, a reasonable compensation, not exceeding two dollars per day, out of the funds of the district, for which they shall have performed services under this act.

Penalty in certain cases SEC. 7. Any officer required to perform services or duties under this act, who shall wilfully violate those duties, or neglect to perform such services, shall be liable to indictment, and to be fined in any sum not exceeding five hundred dollars.

This act how applied SEC. 8. That all the provisions of this act shall be applicable to township seventeen north, of range eleven, west of the third principal meridian, lying partly in the county of Morgan and partly in the county of Cass, and for that purpose, all necessary alterations shall hereby be considered to be made in the foregoing act so as to enable its provisions to be applied to the said township as aforesaid.

APPROVED, March 4th, 1843.

In force, Feb. 3, 1843. AN ACT to vacate a part of the town plat of Wesley city, in the county of Tazewell.

Part of plat of Wesley city vacated SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the plat of Wesley city, in the county of Tazewell, as recorded and lies north of Division and east of Wall street; also, north of Clark and west of Washington street; and also, all blocks and streets in John Anderson's addition to Wesley city, and which lies and embraces the north half of the west

half of the south-west quarter of section six, town twenty-five north, and range four west, be and the same are hereby repealed; *Provided, always*, that the vacating of the aforesaid plat does not in any respect operate to the disadvantage of the residue of said town.

SEC. 2. This act to take effect from and after its passage.

APPROVED, March 3d, 1843.

AN ACT to correct a mistake in the platting and recording of the plat of Peru. In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the eastern sixty feet of section seventeen, in the Ninand addition of the town of Peru, north of Main street in said addition, shall be and remain and the same is hereby declared to be a public street. Certain street
made public

SEC. 2. That the eastern boundary line of the plat of the Ninand addition of the town of Peru, on section seventeen, north of Main street, in said addition, shall commence upon and be the same with the western line of the eastern sixty feet, which by the first section of this act is declared to be a public street. Provision for
eastern bound-
ary of said
addition

SEC. 3. That the recorder of La Salle county shall alter and amend the plat of the Ninand addition of the town of Peru on record in his office, so that the same shall be made to conform to the original survey of said addition, and to the provisions of this act. Recorder to
amend plat

APPROVED, February 23d, 1843.

AN ACT to vacate the town plat of Reedfield, in the county of Pike. In force,
Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the entire town plat of the town of Reedfield as surveyed and laid out is hereby declared to be vacated; *Provided*, no individual rights acquired by deeds or otherwise in said town shall in any manner be prejudiced by this act. Town plat
vacated

SEC. 2. This act to take effect from and after its passage.

APPROVED, February 23d, 1843.

AN ACT to amend the act entitled "an act concerning a town plat therein named," approved February 17th, 1841. In force,
Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Josiah Randle, of Madison county, be and he is allowed the further time of

Time extended to Randall to comply with terms of certain act three months from and after the passage of this act to comply with the requisitions of the act entitled "an act changing a town plat therein named," approved February seventeenth, one thousand eight hundred and forty-one; any thing in the aforesaid act to the contrary notwithstanding. This act to take effect and be in force from and after its passage.

APPROVED, February 24th, 1843.

In force, Mar. 2, 1843. AN ACT to correct the record of the plat of the town of Charleston, Peoria county, and to change the name thereof.

Preamble WHEREAS, the plat of the town of Charleston, in Peoria county, is recorded as being upon the south-west quarter of section twenty-four, in township ten north, and five east, of the fourth principal meridian, when in fact it is located entirely upon the north-west quarter of said section; and whereas, the said plat is recorded in an inverted position, the north being changed for the south side thereof; therefore,

Recorder of Peoria co to correct certain errors

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the recorder of Peoria county be authorised and directed to correct the aforesaid errors, as they appear of record in his office.

SEC. 2. That the name of said Charleston be and the same is hereby changed to that of Brimfield.

APPROVED, March 2d, 1843.

In force, Mar. 6, 1843. AN ACT to amend an act entitled an "act to incorporate the town of Ottawa, and for other purposes," approved July 21st, 1837.

Boundaries SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the second section of an act entitled "an act to incorporate the town of Ottawa, and for other purposes," approved July twenty-first, eighteen hundred and thirty seven, be so amended as to read as follows: "all that district of country contained in section eleven, in township thirty-three north, of range three, east of the third principal meridian, is hereby declared to be within the limits and boundaries of said town of Ottawa."

Third sec. of act repealed

Fifth sec. amended

SEC. 2. *Be it further enacted,* that the third section of said act be and the same is hereby repealed; that the fourth section of said act be so amended as to read as follows: "the corporate powers and duties of said town, shall be vested in five trustees, who shall form a board for the transaction of business." That the fifth section be amended by striking out the word "September," and inserting in lieu thereof, "May." That section seventeen, of said act, be amended by striking out the word "September," wherever it occurs in said section, and

17th section amended

inserting the word "May" in its place. This act to be in force from and after its passage.

APPROVED, March 4th, 1843.

AN ACT to change the name of the town of Saratoga, in the county of Union. In force, Jan. 21, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the word Western be and the same is hereby added to the name of the town of Saratoga, situated in the county of Union, and State of Illinois, and the name of the said town is hereby declared to be Western Saratoga. Saratoga changed to Western Saratoga

APPROVED, January 21st, 1843.

AN ACT to re-locate First street, in the town of St. Charles, in Kane county. In force, Jan. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That Darwin Millington, Elisha Freeman, and Leonard Howard, be and are hereby appointed commissioners to review and re-locate a part of First street, in St. Charles, Kane county, on the west side of Fox river. Com'rs to re-locate street

SEC. 2. Said commissioners, or any two of them, shall meet in the town of St. Charles on the first Monday in April next, or some other day thereafter, and after having been duly sworn by some justice of the peace to the faithful discharge of their duty, as required by this act, shall proceed to review and re-locate said First street as follows, to wit: beginning fifty-five feet south of the corner of Main and First streets, thence running north-west across the north-east corner of lot number four, in block number thirty-nine, as described on the recorded town plat of said town of St. Charles, until it strikes Main street twenty-two feet from the corner of Main and First streets. Time & place of meeting To be sworn Street how re-located

SEC. 3. After said commissioners shall have located said street, as provided for in the foregoing section, they shall make out a map of the same and return said map to the office of the recorder of Kane county, which map shall be recorded by the said recorder; and every thing relative to said map shall be done in accordance with an act entitled "an act providing for the recording of town plats," approved February 27th, 1833; *Provided*, that it shall not be necessary for the county surveyor to survey the same, but that the certificate of the said commissioners shall be sufficient to entitle the same to record. Map to be made and returned to recorder's office

SEC. 4. All parts of the present streets that are changed

Parts of present streets vacated by the said commissioners shall, after the re-location of and opening of the said new location, be vacated, and said street when so located shall be and remain a public street, and shall be opened and kept in repair as other public streets are.

APPROVED, January 24th, 1843.

In force, Feb. 2, 1843. AN ACT to vacate the alleys in William H. Reed's, Thomas W. Lilly's, and William Elliott's addition to the town of Olney, in Richland county.

Certain alleys in Olney vacated
Proviso

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the alleys in the additions to the town of Olney, in Richland county, made by William H. Reed, Thomas W. Lilly, and William Elliott, be and the same are hereby vacated, and the said alleys appropriated in equal proportions to the lots being contiguous; *Provided,* the assent of the owners of lots shall first be obtained, which assent shall be obtained in writing, and recorded in the recorder's office of Richland county; *And provided further,* that the alleys in either of said additions shall be vacated whenever the owners of lots in said addition shall assent thereto in writing; which written assent shall be recorded in the recorder's office of Richland county.

APPROVED, February 2d, 1843.

In force, Feb. 2, 1843. AN ACT to authorise S. J. Chapman to add an addition to the town of Vienna, in Johnson county.

Addition to town of Vienna authorised

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel J. Chapman, of Johnson county, be and he is hereby authorised to lay off and divide the south-east quarter of section five, in township number thirteen, in range three, east of the third principal meridian, into streets, alleys, lots, out-lots, and public squares, and make the same an addition to the town of Vienna, in the said county of Johnson; the said lots to be laid off in blocks, and to be numbered, to begin with number next after the highest number of lots in the said town of Vienna, and to continue until sixty lots shall be added to the said town; the said blocks to be laid off in such a size as will make the streets of said land to be laid off to correspond with the streets of the old town of Vienna.

Lots to be laid off

Said addition to be laid out in conformity to law

SEC. 2. That said Samuel J. Chapman may, in addition to the said sixty lots, lay off a portion of the said south-east quarter of section five, into one and two acre lots.

SEC. 3. That the said Samuel J. Chapman, in laying off the said quarter section of land, shall in all things conform and comply with the requisitions of an act entitled "an act providing for the recording of town plats," approved February twenty-seventh, one thousand eight hundred and thirty-three, and

shall be liable to all the forfeitures and penalties thereby imposed.

APPROVED, February 2d, 1843.

AN ACT to repeal the laws incorporating the town of Chester.

In force,
Feb. 16, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all acts and parts of acts incorporating the town of Chester, in the county of Randolph, be and the same are hereby repealed. Incorporation of Chester repealed

SEC. 2. It shall be the duty of the president and trustees of the town of Chester to sell and dispose of all the property belonging to said town, and to pay, with as little delay as practicable, all debts due and owing by the said corporation, and for that purpose, they shall levy and collect such taxes as may be requisite, and shall exercise all the power, enact and enforce all such ordinances, as may enable them to do so promptly and without unreasonable delay. The limits and boundaries now constituting the town of Chester shall hereafter be a district for the election of justices of the peace and constables. The first section of this act shall take effect on the first day of August, 1843. The second section shall be in force from and after its passage; *Provided*, that said corporation shall not be dissolved until all the debts due by said corporation are paid. Property to be sold to pay debts
Tax may be levied
Limits of incorporation
This act when in force
Proviso

APPROVED, February 16th, 1843.

AN ACT to change the name of the town of St. Marian, in Ogle county, to that of Buffalo.

In force,
Feb. 20, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of St. Marian, in the county of Ogle, and State of Illinois, be and the same is hereby changed to that of Buffalo, by which name it shall be hereafter known and distinguished in law; *Provided, however*, that the change of the name of said town shall in no wise affect contracts or conveyances heretofore made and entered into, or any other legal transactions whatever. This act to take effect and be in force from and after its passage. Name of town changed
Change not to affect contracts

APPROVED, February 20th, 1843.

AN ACT to vacate the town of Rock Island city.

In force,
Feb. 20, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the entire town plat of the town of Rock Island City, in the county of Rock Island, as laid out and recorded, is hereby declared to be vacated. Town plat of Rock Island vacated

APPROVED, February 20th, 1843.

In force,
Feb. 21, 1843.

AN ACT to legalize the survey of the town of Mount Vernon.

Survey of
town of Mt.
Vernon legal-
ized

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the survey of the town of Mount Vernon, in Jefferson county, made by John Storms, in the year one thousand eight hundred and forty, and the plats and profiles made by him of said survey, are hereby legalized, and shall be taken and received in all courts as *prima facie* evidence of the facts therein contained and set forth, and the beginnings, endings, boundaries, and abutments thereby established, are hereby legalised and confirmed.

APPROVED, February 21st, 1843.

In force,
Feb. 21, 1843.

AN ACT to change the name of the town of Florence, Ogle county, to that of Oregon.

Name of town
changed

Contracts not
impaired by
this act

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Florence, in the county of Ogle, originally platted and recorded by the name of Oregon City, shall be and is hereby changed to that of Oregon, by which latter name it shall be known and called in all public records and documents; and in all legal transactions where it shall be necessary to name said town, the name of Oregon shall be used; *Provided, however,* that nothing shall be so construed as to impair the validity of any contracts or conveyances made and entered into previous to the passage of this act. This act shall take effect and be in force from and after its passage.

APPROVED, February 21st, 1843.

In force,
Feb. 23, 1843.

AN ACT to change the name of the town of Greenfield, in Warren county, to that of Greenbush.

Name of
town changed

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Greenfield, in the county of Warren, and State of Illinois, be and the same is hereby changed to that of Greenbush.

APPROVED, February 23d, 1843.

In force,
Feb. 23, 1843.

AN ACT in relation to the town of Manchester.

Citizens re-
quired to la-
bor on roads

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the persons living within the incorporated limits of the town of Manchester, subject to do road labor, shall be required to labor the same number of days on the roads, streets, alleys and lanes in said

town, as now or may hereafter be provided by law regulating the labor to be done on roads; *Provided*, the said citizens of ~~Proviso~~ Manchester shall not be required to work the roads more than one-half mile each way from the centre of said town.

APPROVED, February 23d, 1843.

AN ACT changing the name of the town of Harrisburg, in Whiteside county. In force, Feb. 23, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the town of Harrisburg, in the county of Whiteside, is hereby changed to that of Sterling, and the whole of the towns heretofore known as Harrisburg and Sterling, shall hereafter be called and known in law as Sterling; *Provided*, that the change of the name of said town of Harrisburg shall in no wise affect contracts heretofore made and entered into in relation to said town. This act to be in force from and after its passage.

APPROVED, February 23d, 1843.

AN ACT to change the name of Portland, in Cook county, to the name of Blue Island. In force, Feb. 24, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the place called Portland, in Cook county, Illinois, is hereby altered and changed to Blue Island, and the same shall hereafter always be known and called by such name of Blue Island.

APPROVED, February 24th, 1843.

AN ACT to change the name of the town of Georgetown, in Kendall county. In force, Feb. 28, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the town of Georgetown, in Kendall county, be and the same is hereby changed to that of Newark. This act to take effect from and after its passage.

APPROVED, February 28th, 1843.

In force, Aug. 7, 1843. AN ACT to repeal the twenty-first section of an act entitled "an act to amend the incorporate powers of the town of Pekin, and to provide for the election of an additional justice of the peace and constable in the Pekin precinct, [Tazewell county.]

Certain act repealed SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the twenty-first section of an act entitled "an act to amend the incorporate powers of the town of Pekin," be and the same is hereby repealed.

Pekin prec't may elect additional justice & constable SEC. 2. On the first Monday of August, one thousand eight hundred and forty three, one justice of the peace and one constable, in addition to those now allowed by law, shall be elected by the qualified voters of the Pekin precinct, who shall have the same jurisdiction and be governed by the same regulations as other justices of the peace, and shall continue in office until their successors are elected and qualified. This act to take effect and be in force from and after the first Monday in August, one thousand eight hundred and forty-three.

APPROVED, March 1st, 1843.

In force, Mar. 2, 1843. AN ACT to amend an act entitled "an act for the re-survey of the lower town of Carlyle, in Clinton county."

Re-survey of lower town of Carlyle SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Zophar Case be appointed in place of William C. White, one of the commissioners named in said act.

Expenses how paid SEC. 2. To defray the expenses incurred in the re-survey of said town, the county commissioners' court of Clinton county, shall levy a tax on all the lots within the limits of said town to the amount necessary to pay the same, which shall be collected in the same manner that is provided for the collection of State and county taxes.

Part of act repealed SEC. 3. Section six of the act to which this is an amendment, and all other parts thereof which comes within the purview of this act, is hereby repealed.

SEC. 4. This act to take effect from and after its passage.

APPROVED, March 2d, 1843.

In force, Mar. 2, 1843. AN ACT in relation to the streets running through out-lots in the town of Vandalia.

Duty of co. com'rs in relation to streets SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the county commissioners' court of Fayette county, to designate and enter upon their records such streets, heretofore laid out through the out-lots of the town of Vandalia, which were declared to be abolished by the fifth section of an act

entitled "an act to locate a State road therein named," approved February twenty-seventh, one thousand eight hundred and forty-one, which they shall deem necessary to be reserved and kept open for the use of common passage; and such streets, so designated, shall not be sold or disposed of but shall be kept open as other streets are.

SEC. 2. That it shall and may be lawful for the county commissioners' court to contract with, sell, and convey, to the owner or owners of any out-lot or lots of the town of Vandalia, the one half of each of the streets running through the out-lots of said town, lying immediately in front and adjoining to the lot or lots which such person or persons shall own, except such streets as shall be designated and reserved according to the first section of this act; and the money arising from such sale and conveyance shall be paid into the county treasury, and to be appropriated to defray the expenses in keeping in repair the former State House, in the town of Vandalia.

Parts of certain streets may be sold

APPROVED, March 2d, 1843.

AN ACT to change the name of a town, and for other purposes.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of Van Buren, situated in Lawrence county, be changed to that of Jackman's addition to the town of St. Francisville, and that Main street leading through the town of Van Buren, from north to south, be so changed as to intersect St. Peters' street, in the town of St. Francisville. This act to be in force from and after its passage.

Name of certain town changed

APPROVED, March 3d, 1843.

AN ACT to change the name of Bowling Green, in the county of Warren, to that of Berwick.

In force,
Mar. 3, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Bowling Green, in the county of Warren, be and the same is hereby changed to that of Berwick.

Name of town changed

APPROVED, March 3d, 1843.

In force, Mar. 3, 1843. AN ACT to authorise the owners of real estate in the corporation of Lynnville to vote for the purposes therein named.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all acts and parts of acts of the General Assembly of the State of Illinois, which Owners of real estate may vote for certain purposes authorise and empower the president and trustees of the town of Lynnville, in Morgan county, to levy a tax on the real estate within the corporate limits of said town, so far as they relate and apply to said town, conferring the power to levy a tax as aforesaid, be and the same are hereby repealed; *Provided,* that a majority of the legal voters, who own real estate within the limits of the corporation of said town, shall, at the next regular election for trustees for said town, vote for the repeal as aforesaid.

SEC. 2. There shall be two columns opened on the poll books of the election aforesaid, one for and the other against the repeal of the acts as aforesaid, and the votes polled for and against the repeal of the acts as aforesaid shall be kept and preserved in the same manner that the votes polled for the election of the trustees aforesaid are kept and preserved.

APPROVED, March 3d, 1843.

In force, Mar. 3, 1843. AN ACT to incorporate the town of Macedonia, in Hancock county, and for other purposes.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Macedonia, in Hancock county, are hereby made a body corporate and politic in law, by the name and style of the "Trustees of the town of Macedonia," and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; and in all matters and actions whatsoever may grant, purchase and receive, and hold property, real and personal, within said town, and may lease, sell and dispose of the same for the benefit of the town, and may do all other acts as natural persons; may have a common seal, and break and alter the same at pleasure.

SEC. 2. The corporate powers and duties of said town shall be vested in seven trustees, (to be chosen and appointed as hereinafter directed) who shall form a board to do business.

SEC. 3. The members composing the board of trustees shall be elected by the persons residing within said town, qualified to vote for representatives to the Legislature, to serve for one year; they shall be at least twenty-one years of age and inhabitants of said town.

SEC. 4. That the boundary of said incorporated limits be and the same is hereby declared to extend to the prescribed

limits of the town plat as recorded in Hancock county, and that the jurisdiction of said corporation shall be co-extensive with the limits of said town.

SEC. 5. The board shall, at their first meeting, elect one of Board to elect a president and other officers their number president, and shall have power to fill all vacancies in the board which may be caused by death, resignation, or six months absence from town; to appoint a clerk, an assessor, a treasurer, and town constable, who shall give bonds in any amount as the trustees may require. The constable shall take the oath of office before some justice of the peace, Duty of town constable and it shall be his duty to collect all fines, and serve all process, at the suit of the corporation, and do such other business pertaining to the office as may be required of him by the by-laws and ordinances of the corporation. The board shall be Powers of board of trustees judges of the qualifications, elections, and returns of their own members; a majority shall constitute a board to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as the board may provide. They may determine the rules of proceeding, and by the concurrence of two-thirds of the whole number elected, expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient.

SEC. 6. That the board of trustees shall have power, by ordinance, to levy and collect taxes on all real estate within the limits of the corporation, not exceeding one per cent. upon the assessed value thereof, except as hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances, to provide for licensing, taxing, and regulating merchants, auctions, taverns, groceries, and pedlars, theatricals and all other shows and amusements, to restrain gaming and other disorderly houses; to establish and repair bridges, establish and regulate markets, to open and keep in repair streets, drains, &c., to regulate the police of the town, to regulate the election of town officers, to fix their compensation, and from time to time pass such ordinances as to carry into effect the objects of this act, and the power hereby granted, as the good of the inhabitants may require, and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof; and that in all cases arising under this act, or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, any justice of the peace within said corporation shall have jurisdiction to hear and determine the same, and an appeal may be taken, and writs of *certiorari* allowed from any such decision, as is now, or may be hereinafter provided by law for appealing from judgments of justices of the peace.

SEC. 7. That upon the application of the owners of two-thirds of the lots on any street or part of street, it shall be lawful for the board of trustees to levy and collect a special May levy special tax for certain purposes

tax on the owners of said lots, according to their respective fronts, for the purposes of grading and paving the side-walks of said street.

Real estate
sold for taxes
may be re-
deemed

SEC. 8. That whenever any real estate shall have been sold in said town by the authority of said corporation, the same shall be subject to redemption, by the owner refunding the purchase money, with twelve per cent. interest on the amount, together with the costs.

Officers to be
sworn

SEC. 9. That every officer of said corporation shall, before entering upon the duties of his office, take an oath of [or] affirmation before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to demean themselves in office.

Ordinance to
be published

SEC. 10. That all ordinances of said trustees shall be fairly written out, and published in a newspaper published in the town, or posted up at three of the most public places in town, and no ordinance shall be in force until published as aforesaid.

Justices and
constable's
fees

SEC. 11. That all justices of the peace and constables, who are required to render services under this act, shall be entitled to the same fees, and collect them in the same manner as now is or may be hereinafter provided by law.

Meetings of
board may be
called

SEC. 12. That the president, or any two of the trustees, shall have power to call a meeting of the board by giving one day's previous notice thereof.

Elections

SEC. 13. The first Monday of May next, and on the first Monday of May in each and every year thereafter, an election shall be held at some convenient place in the said town of Macedonia, for the election of the seven trustees hereinbefore mentioned.

First election
how conduct-
ed

SEC. 14. Joseph E. Johnson, William McLeary, and Benjamin Andrews, are hereby appointed to conduct the first election for the said seven trustees herein provided for; they shall give ten days notice of the time and place of holding said election, by notices to be posted up in three of the most public places in said town; and at the time and place appointed two of said persons shall act as judges and one as clerk of said election; the election shall be conducted as other elections are, and after the polls are closed they shall add up the votes and declare who is elected, and notify the persons so elected thereof; the persons elected shall, within one week after their election, take the oath of office herein provided for, and proceed to organize by electing one of their number president, and by appointing a clerk; and so soon as they have organized as aforesaid, the persons who conducted said election shall return the poll books to the board of trustees, who shall cause the same to be filed and preserved by their clerk. Said board shall prescribe the mode of conducting all elections after the first election, and the town of Ramus, from and after the passage of this law, shall be known and designated as the town

of Macedonia. and this law shall be in full force and effect from and after its passage.

APPROVED, March 3d, 1843.

AN ACT authorizing an additional justice of the peace and constable, in the Fountain Green precinct, in Hancock county. In force,
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That one justice of the peace and one constable, in addition to the number now allowed by law, shall be elected in the Fountain Green precinct, in Hancock county; which justice of the peace and constable so elected shall reside in the town of Macedonia in said precinct. Additional
justice and
constable
elected

SEC. 2. The county commissioners' court of Hancock county are hereby required to cause an election to be held on the first Monday of August next, and at each quadrennial election thereafter, for one justice of the peace and one constable in said precinct, in addition to those now allowed by law; the justice of the peace and constable so elected shall be commissioned and sworn into office as other justices of the peace and constables are, and shall hold their offices until the next general election for justices of the peace, and until their successors are elected and qualified, as in other cases; and the justice of the peace and constable so elected shall have the same jurisdiction and be governed in all respects by the same regulations as other justices of the peace and constables in this State. Election

APPROVED, March 6th, 1843.

AN ACT to incorporate the town of Winchester, in Scott county. In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Winchester, Scott county, are hereby made a body corporate and politic in law and fact, by the name and style of the "President and Trustees of the town of Winchester;" and by that name they and their successors in office, may sue and be sued, plead and be impleaded, in all actions in law and equity, may grant, purchase, receive and hold, real and personal estate, and may lease, sell and dispose of the same for the benefit of said town; may do all other acts as natural persons may do; and may have a common seal and alter and change the same at pleasure, and shall have perpetual succession. Town of
Winchester
incorporated

Powers

SEC. 2. The boundaries of said town shall only include the recorded plat of the town of Winchester and the several additions thereto. Boundaries

Corporate
powers vested
in five trustees

SEC. 3. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business, and the persons who may be in office as trustees in said town, under the general incorporation act of this State, shall, after the passage of this act, be deemed to hold their offices by virtue of this act till the first day of April, 1844, and to discharge their duties in conformity to the provisions of this act.

To be elected
annually

Qualifications

SEC. 4. The trustees shall be elected annually on the first Monday in April, to serve for one year, and until their successors are elected and qualified; they shall be at least twenty-one years of age. Persons qualified to vote for State officers, and who shall have resided within the limits of the corporation six months preceding the election, shall be eligible to vote at all elections and town meetings.

Officers

Notice of
elections

SEC. 5. The board of trustees shall appoint their president from their own body, shall appoint all other officers of the board, except town constable, and shall be judges of the qualifications, elections and returns of their own members, and shall give five days notice, posted in three of the most public places in the town, or published in some newspaper in said town, of the time and place of holding elections to fill all vacancies in said board occasioned by death, resignation, or six months absence of any member thereof; which six months absence shall be deemed to create a vacancy. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as the board may provide; they may determine the rules of proceedings, and make such other rules and regulations for their own government as to them may seem right and expedient.

Other powers
of trustees

SEC. 6. The board of trustees shall have power to levy and collect taxes on all real estate in the town, not exceeding one-half per cent. upon the assessed value thereof, except as hereinafter provided; to make regulations to secure the general health of the inhabitants, to prevent, abate and remove nuisances, to erect and keep in repair bridges, to license and regulate groceries, to license and tax auctions, pedlars, theatrical and other shows of amusements where money is charged for admittance, to restrain and suppress billiard tables and tippling houses, to prohibit gaming and gaming houses, bawdy houses and other disorderly houses, to prohibit the shooting of fire arms within the recorded limits of said town, to prohibit the indecent exhibition of stallions and other animals, to establish, erect and regulate markets, to open and keep in repair the streets, avenues, lanes and alleys, drains and sewers, and to keep the same free from incumbrance; to establish and regulate a fire department for the prevention and extinguishment of fires, the members of which shall be exempt from military duty, and from serving on juries during

their membership, except in case of insurrection or invasion; to regulate the police of the town, to regulate the election of town officers, and to fix their fees and compensation, and from time to time to pass such ordinances as are necessary to carry into effect the provisions herein granted, as the good of the inhabitants may require; to impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide for the collection thereof, and that in cases arising under this act, or growing out of the by-laws or ordinances made in pursuance of this act of incorporation, any justice of the peace within the incorporation shall have jurisdiction to hear and determine the same; *Provided, always,* appeals may be taken and writs of *certiorari* allowed as is now or may hereafter be provided by law.

SEC. 7. The trustees shall have power to regulate, grade, Road tax
pave and improve streets, avenues, lanes, public squares and alleys; to carry into effect the foregoing powers, the trustees shall have power to levy annually a road labor tax, of not more than five days nor less than two, against every able bodied male inhabitant over the age of twenty-one years and under that of fifty, to be collected and expended in such manner as they shall by their ordinance determine.

SEC. 8. Upon the application of two-thirds of the owners Special tax
of real estate on any street or parts of streets, it shall be law- for paving
ful for the trustees to levy and collect a special tax on the side walks
owners of lots on said street or part of a street, according to their respective fronts, for the purpose of grading and paving the side walks in front of said lots.

SEC. 9. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town, and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings or assemblages, and to punish persons for making loud or unusual noises, or for disturbing persons assembled at religious or other meetings, to prevent the throwing of fire balls or firing of squibs; for which purpose the trustees may make such by-laws and ordinances, not inconsistent with the laws of this State, as they [may] deem necessary or expedient to carry the provisions of this act into effect, and impose fines for the violation thereof; which fines shall be recovered before any justice of the peace in said town.

SEC. 10. It shall be the duty of any justice of the peace in Fines for
said town, and he is hereby authorized and empowered, on breach of or
view or upon complaint being made to him upon oath, of the ordinances
violation of any law or ordinance of said corporation, to issue his warrant directed to the town constable or to any authorized person, to apprehend the offender or offenders and bring him or them forthwith before him, and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any law or ordinance of the corporation to

impose such fine or imprisonment as is provided by the laws of the State for the punishment of similar offences.

To be paid
into town
treasury

SEC. 11. All fines or moneys collected for licenses granted under the provisions of this act shall be paid into the town treasury for the use of the inhabitants of the town.

Mode of col-
lecting tax

SEC. 12. The trustees may adopt such modes and means for the assessment and collection of taxes as they shall from time to time deem expedient, and prescribe the manner of selling property when the tax levied upon it shall not be paid; *Provided*, no sale of any real estate shall be made until public notice of the time and place of sale shall be given by advertisement in some newspaper in said town, or at four of the most public places in said town, by putting up written notices containing a list of said delinquent real estate at least thirty days previous to the day of sale.

Real estate
sold for taxes
subject to re-
demption

SEC. 13. When any real estate shall have been sold for taxes as aforesaid the same shall be subject to redemption in the time and on the terms now provided, or hereafter to be provided, by the revenue laws of this State for the redemption of real estate sold for State and county taxes; but should the real estate so sold for taxes not be redeemed in the time and manner provided by law, and if the purchaser, or other person for him, shall have paid all taxes with which such real estate shall have been charged up to the time when the right of redemption shall expire, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchasers a deed of special warranty, signed by the president and countersigned by the clerk of the board of trustees.

If not redeem-
ed deed to
be made to
purchaser

Constable to
be elected

SEC. 14. At every regular election of trustees there shall also be elected one town constable, who shall be ex-officio collector of corporation taxes, who shall have authority to execute all writs, process, and precepts which may be issued against any person for the violation of any of the laws or ordinances of the corporation, and to arrest on view all persons who may violate such ordinances; to collect all fines or forfeitures which may be assessed or recovered for the use of the corporation, and the trustees shall require bond and security of said constable in such sum as they may think proper. Said constable to hold his office for one year and until his successor is elected and qualified; shall have and possess the same powers and perform the same duties in other respects, within the limits of the corporation, as constables in the several districts of the county possess and perform, and shall take the same oath of office. The per cent. allowed the constable for collecting taxes shall be fixed by the trustees.

His powers
and duties

Trustees to
keep record
of by-laws
& ordinances

SEC. 15. Trustees shall keep a well bound book in which shall be recorded, in a fair and legible hand, all by-laws, ordinances, and precepts of said corporation, and no by-law ordinance or precept shall be in force until the same shall have been advertised, by posting up the same in at least three pub-

lic places in said town, ten days previous to the time the same is to go into effect, or by publishing the same in some newspaper in said town, nor until the same shall have been recorded and signed by the president with the clerk's certificate attached that the same has been approved by the board and advertised; which record shall be evidence of the authority of said by-laws, ordinances, or precepts that they have been legally enacted; *Provided*, that nothing in this act shall be so construed as to prejudice any claim or vested right granted by or accruing to any person or persons under the former act of incorporation.

SEC. 16. This act of incorporation may be annulled or abolished by a vote of two-thirds of the legal voters of said town, at any regular election for trustees, ten days public notice having been given of such intention; any law to the contrary notwithstanding; *Provided*, that if a dissolution shall take place, no right shall be prejudiced or claim vitiated that may accrue under the provisions of this act or that may have accrued under the former act of incorporation.

Corporation
may be dis-
solved

SEC. 17. This act shall not take effect until the same shall have been submitted to a vote of the legal voters of said town; to effect which the trustees shall, at one of their regular meetings, direct an election to be held in said town, and shall give ten days notice of said election; three of said trustees shall act as judges and shall choose two competent clerks, who together shall receive, count, and record all legal votes given for or against this act of incorporation, and if a majority of all the votes given shall be in favor of this act, then this act shall be in full force. The trustees shall file and record the poll books of said election, and said record shall be evidence of the acceptance and adoption of this act.

Act when to
take effect

APPROVED, March 4th, 1843.

AN ACT to provide for a change and re-location of a part of the Darwin and Charleston turnpike.

In force,
Mar. 6, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William M. Todd, of Shelby county, Harvey Chapman, of Christian county, and John B. Watson, of Sangamon county, be and they are hereby appointed commissioners to view and examine so much of the Charleston and Darwin turnpike road as lies between the city of Springfield, in Sangamon county, and mile-post on said road numbered 44, numbering from Springfield, and also to view, mark, survey, and lay out a proposed route commencing at mile-post number 44, in Shelby county aforesaid, and running from thence to Stonington city, in Christian county, thence to Rochester, in Sangamon county, thence to Springfield, in the county last aforesaid.

Darwin and
Chester
Turnpike
road

Com'rs to
meet and lo-
cate road

SEC. 2. Said commissioners, or a majority of them, shall meet in the city of Springfield, at any time to be agreed on by them, before the first Monday in the month of October next, and after having been first duly sworn to the faithful performance of their duties, shall proceed to view and carefully examine the said turnpike between the points aforesaid, and also to view, survey, mark, and lay out said proposed route from point to point in the manner prescribed by the act to extend the Darwin and Charleston turnpike from Charleston to Springfield, and make report thereof conformable to the provisions of that act; *Provided*, that said commissioners shall not be required to plant mile-posts as required by that act, but in lieu thereof shall firmly plant in the ground a common stake of durable timber, at the termination of each mile, from the point of commencement; *And provided further*, that in making out their report said commissioners shall state the difference in the distance of the two routes; and also, whether, in their opinion and good judgment, the public interest, the utility and permanency of the road, would be better secured by a re-location on the proposed route, and if so, to distinctly recommend its removal. If, on the contrary, they should be of opinion that the interest of the public, the utility and permanency of the road, would best be secured by its present location, they shall distinctly set forth the fact, and said turnpike shall not be changed or removed. But if said commissioners shall recommend its removal, then and in that case all that part of the said turnpike lying between the city of Springfield and mile post number 44 aforesaid, shall be taken and deemed vacated, and the road laid out on the proposed route shall be taken and deemed a part of the Darwin and Charleston turnpike road; any law to the contrary notwithstanding.

Road to be
surveyed

SEC. 3. The surveyor of Christian county shall survey all that part of the proposed route lying within the counties of Shelby and Christian, and the county surveyor of Sangamon county shall survey so much of the proposed route as lies in Sangamon county; all the necessary hands, other than the commissioners and surveyors, shall be employed from the county in which the labor is performed, and the county commissioners' courts of each county may, if they think proper, allow each hand so employed within the limits of such county a reasonable compensation per day for each day necessarily employed within the limits of such county, as they may deem just and proper. The county commissioners' courts of each county through which the proposed route shall pass, may, if they think proper, respectively allow the surveyor and commissioner from their respective counties such compensation as they shall deem just and right.

Mile posts
may be erec-
ted

SEC. 4. The county commissioners' courts of the counties of Shelby, Christian, and Sangamon, are hereby authorised to set the said road with mile posts as required by the act to extend the Darwin and Charleston turnpike from Charleston to

Springfield, at any time when in their opinion the condition of their respective county treasuries will justify the expense.

APPROVED, March 6th, 1843.

AN ACT to change part of the turnpike road in Hancock county.

In force,
Feb. 1, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Harnest, Samuel Duniven, and Frederick Loring, of the county of Hancock, be and they are hereby appointed commissioners to view, survey, and re-locate a part of the turnpike road in said county, commencing at the public square in the town of Carthage, thence east with south main street, to the limits of said town, thence with the stage road as near as practicable to De Kalb post office, thence east with said road to a suitable point where said commissioners may think most proper to leave the same for the purpose of intersecting the said turnpike road at the most convenient and suitable place.

Com'rs to re-locate road

SEC. 2. The said commissioners, or a majority of them, shall meet at the town of Carthage on the first Monday in April next, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace of Hancock county faithfully to discharge the duties required of them by this act, shall proceed to re-locate said road as hereinbefore described, having a due regard to its permanency and usefulness, doing as little injury to private property as the public good will admit of, and to make out two copies of the survey and plat of the same, one of which they shall transmit to the internal improvement office at Springfield, the other to be filed with the clerk of the county commissioners' court of Hancock county, who shall record and file the same in his office.

Time & place of meeting

To be sworn

Plat of road to be made

SEC. 3. The county commissioners' court of Hancock county shall allow said commissioners, and the necessary hands employed by them, such compensation for their services as they may think reasonable and right.

Pay of com'rs

SEC. 4. That the said turnpike road, from the place where the above named re-location intersects the same, west to the town of Warsaw, be and the same is hereby vacated, and the county road from Carthage to Warsaw is hereby declared to be and form a part of the said turnpike road, and the county commissioners' court of Hancock county shall cause a copy of the survey and plat of said county road to be made out and transmit the same to the internal improvement office at Springfield.

Part of turnpike vacated

Co. road made part of turnpike

Plat to be filed

SEC. 5. That all that portion of said turnpike road thus re-located and changed shall be subject to all the benefits and regulations contained in the act authorising the first location of the said road. This act to take effect from and after its passage.

Road subject to laws of its first location

APPROVED, February 1st, 1843.

In force.
Feb. 1, 1843.

AN ACT to incorporate the Peoria Water Company.

Name and style of incorporation	<p>SEC. 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Charles Oakley, of Tazewell county, Augustus O. Garrett, William S. Maus, Lester O. Hurlbert, and Norman H. Purple, of Peoria county, their heirs and assigns, be and they are hereby constituted a body politic and corporate under the name and style of "The Peoria Water Company," and by that name and style they and their successors shall, in law, be capable of suing and being sued, plead and being impleaded, in all places whatsoever; may have a common seal, and alter the same at pleasure, they shall be capable in law of purchasing and holding real estate, and conveying the same for the uses and purposes of the said incorporation; which real estate shall not exceed in value the sum of fifteen thousand dollars, and which shall only be for the necessary purposes of carrying on the business of the said company.</p>
Powers	
Officers	<p>SEC. 2. The officers of said company shall consist of a president, treasurer, and five directors, each of whom shall be stockholders in said company, and the president and treasurer shall each be one of the five directors aforesaid, who shall be annually chosen on the first day of April, of each and every year, in such manner as the stockholders may direct; and for the first year the said Charles Oakley shall be president, the said N. H. Purple secretary, and the said Augustus O. Garrett, William S. Maus, and L. O. Hurlbert, directors of said company, and a majority of said board of directors shall constitute a quorum for the transaction of business.</p>
Officers for first year	
Capital stock	<p>SEC. 3. That the capital stock of the said company shall consist of five thousand dollars, with the privilege of increasing the same to fifty thousand dollars, and the whole of said stock may be taken in equal amounts, by the individuals who are hereby incorporated, or at their option, they may divide the same into shares of fifty dollars each, and sell the same in such manner as they may deem most advisable for the interest of the said company, for the promotion of the objects of the said incorporation, and the purchasers of the said stock shall thereupon become stockholders of the said company, and entitled to vote in all meetings of the said stockholders, in manner proportioned to their respective interests, and agreeable to the rules and regulations of the said company.</p>
Manner of taking stock	
Duty of president	<p>SEC. 4. The president shall prescribe at all meetings of the board or stockholders, and in case of a tie shall give a casting vote; and in his absence a president <i>pro tem.</i> may be elected.</p>
Treasurer's duties	<p>SEC. 5. The treasurer shall record in a book, to be for that purpose provided, all acts and doings of the board of directors and stockholders, he shall give certificates of stock to each of the stockholders, which shall be countersigned by the president, and which shall not be transferable, except upon the books of the company; he shall take and subscribe an oath to</p>

perform all his duties with fidelity, and shall give bond and security for the faithful performance of all the duties required by the rules, by-laws, and ordinances of the said company.

SEC. 6. Each of the above named stockholders shall, at the time of subscribing his share of the stock, (if all the stock is taken by the individuals above incorporated,) pay into the hands of the treasurer the sum of one hundred dollars, and the residue thereof at such times and in such sums as may be needed for the prosecution and completion of the works hereinafter mentioned; and in case said stock shall be sold in shares of fifty dollars, then each shareholder shall pay the sum of five dollars on each and every share by him taken at the time of subscribing, and the residue thereof in such manner as hereinbefore stated.

Stockholders
to pay certain
amounts at
time of sub-
scribing

SEC. 7. The said company hereby incorporated shall have full and exclusive power and authority to erect and construct water works for the convenience and accommodation of the public within the incorporated limits of the town of Peoria, for and during the period of fifty years, and to conduct the same in iron, leaden, or other aqueducts, from any springs or water within two miles of the incorporated limits of said town; paying to the owner or owners of any such springs or waters such compensation as shall be reasonable and just, and shall be agreed upon between said owners and said company; and paying also to the owner or owners of any lands through or across which they may conduct said water, a reasonable compensation for all damage by them sustained; and in case they cannot agree with the owners of such lands as to the amount of said damages, the same shall be determined in the manner prescribed by the laws of Illinois for securing the right of way.

Company
may con-
struct water
works

Compensa-
tion for injury
to private
property

SEC. 8. The said company shall have full and exclusive power and authority to conduct the said water in aqueducts as aforesaid along any of the streets, alleys, or highways of the town of Peoria, and within the incorporated limits thereof, doing as little damage as possible to streets, alleys, and highways, for the time being, and as soon as practicable, shall repair and place the same in as good condition as they were before, and shall also have the like power and authority to build and erect hydrants and reservoirs, in such manner and at such places as shall best accommodate those desirous of using said water, and with the least inconvenience to the public.

Aqueducts
may be taken
thro' streets

SEC. 9. The said company shall also have the like power and authority to rent or lease the said water and the privilege thereof to any and all persons whatever, upon such terms, conditions, and times as the said company and such persons can agree upon, making the same as nearly equal to all persons as the circumstances of the case will permit, and upon such terms and conditions that the yearly profits of said company, deducting all expenses, shall in no case exceed the sum of fifty per cent. on the capital stock actually paid in.

Company
may lease
water works

SEC. 10. The said company shall commence the construc-

Time of com- mencing and completing said works tion of the said water works as early as the first day of August, 1843, and shall so far complete the same as to have the water ready to be delivered in the said town of Peoria by the first day of August, A. D. 1845.

Use of water to be furnished town of Peoria free of charge to extinguish fires SEC. 11. In consideration of the privileges hereby granted, the said company shall at all times afford to the corporation, or other constituted authorities of the town of Peoria, the use, free of charge or claim, of any or all the waters so by them conveyed into the town of Peoria, for the purpose of extinguishing fire or fires, which may at any time hereafter occur in said town, together with all reasonable access, by the said authorities, or by companies, or individuals acting under their orders or direction, to any or all the hydrants and reservoirs belonging to said company for the purposes aforesaid, so as not in any manner to damage or injure the works of the said corporation.

By-laws SEC. 12. The said company shall also have authority from time to time to appoint such officers not herein named, and to pass and enact such by-laws, rules, and regulations not inconsistent with the constitution and laws of the United States or of this State, as they may deem most advisable and proper for the benefit and government of the said corporation.

Failure to elect officers at appointed time not to dissolve corporation SEC. 13. In case it shall so happen that at any time the officers of the said corporation, or any of them, shall not be elected on the day appointed for their said election, the corporation shall not for that reason be dissolved, but the said election may, on reasonable notice thereof, which shall not be less than four weeks, to be published in some newspaper printed in Peoria, at any subsequent time take place, and in the mean time those already in office shall hold their offices until their successors are duly elected and qualified.

Penalty for injuring said works SEC. 14. If any person or persons shall at any time during the progress of the said works, or during the continuance of the charter herein granted, wilfully or maliciously injure any part or portion of the said water works, or the appurtenances thereunto belonging, he, she, or they so offending shall be deemed guilty of a misdemeanor, and shall be liable to indictment in the circuit court of Peoria county for the same, and on conviction shall be fined in any sum not exceeding one thousand dollars, imprisonment not exceeding six months in the county jail of said county, and shall moreover pay to the said company damages for all the damages they may sustain thereby.

This act when to take effect SEC. 15. This act shall take effect and be in force from and after the first day of February, A. D. 1843, and shall be taken and considered a public act.

Failure to pay instalment, effect of SEC. 16. If any stockholder or subscriber to stock in said company shall, for the space of sixty days, neglect or refuse, after being notified for that purpose, to pay in any instalment due from him for such stock, in manner directed and required by the board of directors, the said board shall be authorised to

declare his said stock forfeited to said company, and may proceed forthwith to sell the same at public auction to the highest and best bidder for cash, the purchaser whereof shall be liable to pay the balance due upon such subscription in the same manner as the original stockholder would have been liable therefor.

SEC. 17. The stockholders of this corporation shall be liable in their private capacity for all corporate debts. Stockholders individually liable

APPROVED, February 20th, 1843.

AN ACT to regulate weights and measures.

In force,
Mar. 4, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be but one standard of measure of length and surface, one of weight, and one measure of capacity, throughout this State, which shall be in conformity with the standard of measure, length, surface, and weight established by Congress. Standard of weights and measures

SEC. 2. That all commodities sold by heaped measure shall be duly heaped up in the form of a cone, the outside of the measure, by which the same shall be measured to the extremity of the base of such cone, and such cone to be as high as the articles to be measured will admit. Heaped commodities

SEC. 3. That the measures used for measuring dry commodities not heaped shall be stricken with a straight stick or roller, and of the same diameter from end to end. Not heaped

SEC. 4. All contracts hereafter to be executed, made with- in this State for any work to be done, or for any thing to be sold, delivered, done or agreed for by weight or measure, shall be taken and construed to be made according to the standard weight and measure thus ascertained. Contracts to be governed by this act

SEC. 5. That the hundred weight shall consist of one hundred pounds, and twenty such hundreds shall constitute a ton. 100 weight

SEC. 6. That whenever wheat, rye, Indian corn, barley, buckwheat, or oats shall be sold by the bushel, and no special agreement as to the weight or measurement shall be made by the parties, the bushel shall consist of sixty pounds for wheat, of fifty-four pounds of rye, of fifty-two pounds of Indian corn, of forty-four pounds of barley, of forty pounds of buckwheat, and thirty-two pounds of oats. Pounds of grain to the bushel

SEC. 7. That the following original standards made in conformity to the provisions of this act, to wit: a yard, a pound, a liquid gallon, and a half bushel shall be procured by the State sealer of weights and measures on or before the first day of September, in the year of our Lord one thousand eight hundred and forty-three, and deposited in a chest in his office which shall only be opened for the sole purpose of comparing such standards with the copies hereinafter described, unless by a joint resolution of the two Houses of the Legislature, or State sealer of weights & measures to procure standard

on the call of either House for information, or by the order of the Governor for scientific purposes.

Copies of
standards to
be furnished
to co. sealers

SEC. 8. That copies of the said original standards, to be made of such materials as the State sealer shall direct, shall be deposited by him in the offices of the county sealers of the respective counties of this State, at the expense of said counties, on or before the first day of March, in the year of our Lord, one thousand eight hundred and forty-four, who shall severally be responsible for the preservation of the copies respectively delivered to them.

Device to be
impressed
upon stand-
ards

SEC. 9. That the State sealer shall cause to be impressed on each of the copies of such original standards the letter "I," and such other additional device as he shall direct for the particular county; which device shall be recorded in the State sealer's office and a copy thereof delivered to the respective county sealers.

Co. sealers to
compare
weights and
measures
with standard

SEC. 10. That the several county sealers shall compare all weights and measures which shall be brought to them for that purpose with the above mentioned copies of such standards in their possession, and when the same are found or made to conform to the legal standards, the officer comparing them shall seal and mark such weights and measures.

Duty of co.
sealers

SEC. 11. That it shall be the duty of the county sealers of weights and measures, to compare the copies in their possession once in every ten years with those existing in the office of the State sealer, and every county sealer who neglects to have the copies in their possession compared as aforesaid shall pay into the county treasury fifty dollars for county purposes; whenever any county sealer fails for one month to pay the aforesaid penalty it shall be the duty of the county commissioners' court to commence suit therefor in their own name, before any justice of the peace of the county, and when collected the same shall be paid into the county treasury for the uses aforesaid.

Pay of co.
sealers

SEC. 12. That each county sealer shall be entitled to receive for his services at and after the following rates: for sealing and marking every beam six and a quarter cents, for sealing and marking measures of extension at the rate of six and a quarter cents per yard, not to exceed twenty-five cents for any one measure, for sealing and marking every weight two cents, for sealing and marking liquid and dry measures, if the same be of the capacity of a gallon or more, six and a quarter cents, of less than a gallon two cents; they shall also be entitled to a reasonable compensation for making such weights and measures conform to the standard established by this act.

Penalty for
using fraudu-
ent weights
& measures

SEC. 13. That if any person or persons shall hereafter use any weights, measures, or beams, in weighing or measuring, which shall not be conformable to the standards of this State, established by this act, whereby any purchaser of any commodity or article of trade or traffic shall be injured or de-

frauded, such purchaser may maintain an action on the case against the offender, and if judgment shall be rendered for the plaintiff he shall recover five times the damages with costs of suit.

SEC. 14. That the Secretary of State shall be ex-officio Sec. of State State sealer of weights and measures, and the clerks of the State sealer county commissioners' court shall be county sealers of weights and measures for their several counties.

SEC. 15. That "an act for regulating weights and mea- Certain act sures," passed twenty-second of March, one thousand eight repealed hundred and nineteen, be and the same is hereby repealed.

APPROVED, March 4th, 1843.

AN ACT to amend "an act relative to wills and testaments, executors and administrators, and the settlements of estates," approved January 23d, Mar. 6, 1843. In force, 1829.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter a widow Widows al- shall be allowed twelve months after the authentication or lowed six probate of the will of her deceased husband, in which to de- months to file liver or transmit to the court of probate of the proper county her written renunciation of the provisions made for her by renunciation said will, so to entitle herself to dower, as provided by the fortieth section of the act to which this is an amendment, and in no case shall such surrender, or the want of such surrender, effect the right of widows to their separate property.

SEC. 2. That when any *feme covert* shall die intestate, Feme covert leaving no child or children, or descendants of a child or chil- dying without dren, then the one-half of the real estate of the decedent shall children &c. descend and go to her husband as his exclusive estate forever.

APPROVED March 6th, 1843.

AN ACT authorising counties to give a bounty on wolf scalps.

In force, Feb. 15, 1843.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county com- Bounty how missioners' court of any county in this State may hereafter paid allow such bounty on the big wolf and prairie wolf, of six months old and upwards, as said court may deem reasonable; said bounty to be paid out of the treasury of the county where- in said wolf or wolves may be taken and killed, upon the certificate of the county commissioners' court, and said certi- Certificates ficate shall be receivable by the collector of the county wherein receivable for such allowance of bounty may have been made, for any taxes co. taxes due said county.

Amount of
bounty how
fixed

SEC. 2. Whenever the county commissioners of any county shall determine upon allowing a bounty on wolf scalps for any one year, they shall, at their March term of said year, enter an order upon their records setting forth the amount of such allowance.

Bounty to be
claimed in
ninety days,
and how

SEC. 3. The person claiming a bounty shall produce the scalp or scalps, with the ears thereon, and within ninety days after the same shall have been taken, to the county commissioners' court of the county wherein such wolf or wolves may

Person claim-
ing to make
oath

have been taken and killed; whereupon the clerk of said court shall administer to said person the following oath or affirmation, to wit: "You do solemnly swear, (or affirm, as the case

Form of oath

may be,) that the scalp, or scalps, here produced by you, was taken from a wolf, or wolves, killed by yourself within the limits of this county, and within the ninety days last passed, and that you believe the wolf or wolves was or were six months old or upwards."

Law repealed

SEC. 4. All acts or parts of acts allowing the payment of a bounty on wolf scalps out of the State treasury, be and the same are hereby repealed.

APPROVED, February 15th, 1843.

RESOLUTIONS.

JOINT RESOLUTION relative to a disconnection of the State from the banks.

WHEREAS, it is deemed advisable to dissolve the connection now existing between the State and the Bank of the State of Illinois and the Bank of Illinois; and whereas, it is believed that such dissolution will prove equally advantageous, both to the State and said banks; therefore,

Resolved, by the General Assembly of the State of Illinois, That his Excellency Governor Ford, assisted by the Auditor of Public Accounts and the Fund Commissioner, be authorised and requested forthwith to enter into negotiation with said banks, or their authorised agents, for the purpose of ascertaining upon what terms an amicable dissolution between the State and said banks can be effected and for the purpose of obtaining such other information as may be useful in relation to this subject, and that said officers be requested to communicate to each House, at their earliest convenience, the result of their correspondence with said banks respectively.

PASSED, Dec. 12, 1842.

JOINT RESOLUTION in relation to the fine imposed on General Jackson by Judge Hall, in 1814.

WHEREAS, the conduct of General Andrew Jackson, in the defence of New Orleans during the campaign of 1814-15 has on various occasions received the approbation of the American people; and whereas, Congress, on the 15th day of February, 1815, by a vote of thanks, and by directing a gold medal to be struck and presented to him as an evidence of their estimation of his patriotism, bravery, and good conduct, sanctioned and applauded his course in the aforesaid campaign; and whereas, the fine imposed upon him by Judge Hall for an alleged contempt of the authority of the said Judge, is not only an unjust imputation

Instructions

upon the character of General Jackson, but a reflection upon the justice and gratitude of the nation; therefore,
Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives earnestly requested, to use their exertions to procure the passage of a law directing that the fine of one thousand dollars imposed by Dominick A. Hall, then District Judge of the United States for the district of Louisiana for an alleged contempt of his authority, upon General Andrew Jackson, and by the said Andrew Jackson paid into the hands of the marshal of said district, be refunded, together with the costs and interest on the same from the day of the payment thereof.

Resolved also, That the Governor be requested to transmit a copy of this preamble and resolutions to General Andrew Jackson, and one to each of our Senators and Representatives in Congress, and also one to each of the Governors of the several States of this Union, with a request that the subject of the same be laid before their respective Legislatures.

PASSED,

JOINT RESOLUTION authorizing the Secretary of State to procure the Historical Essay delivered by Judge Breese.

Resolved by the House of Representatives, the Senate concurring herein, That the Secretary of State be instructed to procure a manuscript copy of the historical essay read by the Hon. Sidney Breese, in the Senate Chamber; and that the said Secretary be further instructed to have the same neatly bound and deposited in the public library under his care.

PASSED, January 16th, 1843.

JOINT RESOLUTION relative to the completion of one of the vaults in the State House.

Resolved by the Senate, the House of Representatives concurring herein, That the Secretary of State is hereby required to procure shutters of suitable strength to be made for the fire proof vault in the State House, that said vault may be used as a place of deposit of the revenue of the State.

Resolved, That said Secretary be further instructed to finish the interior of said vault for the reasons mentioned in the first resolution.

PASSED, January 17th, 1843.

PREAMBLE AND RESOLUTION making it the duty of the Governor to appoint a committee to investigate the accounts of the State Bank of Illinois.

WHEREAS, it appears by the report of the State Bank of Illinois, that this State is indebted to the bank in the sum of \$292,000; and whereas, it does not appear upon what calculations and principles this balance was found to be due the bank; and whereas, it is believed that in making up the profit and loss account of the bank, losses which have accrued upon contracts made or growing out of contracts made previous to the existence of the partnership between the bank and the State have been charged to the partnership profit and loss account; and whereas, it is understood to have been the practice of the bank to charge interest upon payments made upon Auditor's warrants from the day of such payment, and not allowing interest upon the deposits made by the Treasurer until the end of each quarter; and whereas, it does not appear whether the bank has credited the State the amount of the bonus of one-half of one per cent. per annum upon the bank stock owned by the State, according to the provisions of the act, approved February 27th, 1841, concerning the State Bank of Illinois; and whereas, it is believed that the bank has charged the State the interest upon the State bonds held by the bank and not credited any dividend which would have justly belonged to the State as her portion of such interest; and whereas, it is highly important for the interest of the State that a fair and equitable settlement should be had with the bank at as early a day as possible; therefore,

Resolved by the Senate, the House of Representatives concurring herein, That it shall be the duty of the Governor immediately to appoint a competent committee to investigate the accounts of the bank and ascertain the true statement of such accounts, and the balance due to or from the bank upon a fair and equitable settlement, taking into view the various subjects embraced in the foregoing preamble; and that such committee shall report to the Legislature the result of their investigation at the earliest possible period, and that said committee have power to send for persons and papers and to swear witnesses.

PASSED,

PREAMBLE AND RESOLUTIONS in relation to the improvement of the navigation of western rivers.

WHEREAS, it is the duty of all governments, and more especially of such as acknowledge the sovereignty of the people, to afford all proper encouragement and protection to every department of human industry; whereas a large proportion of the surplus products of the great west, and of the various

articles received in exchanges, find their respective places of destination by way of the Mississippi river and its tributaries; whereas it appears from the most accurate information which can be obtained upon the subject, that the value of the property lost during the last four years, in its transportation on the waters of the west, exclusively of hundreds of valuable lives, has amounted to nearly one million of dollars per annum, of which about one-half has been occasioned by snags, sawyers, or other obstructions in those waters; and that the losses thus sustained within the last eighteen months have equalled one-fifth of the steamboats engaged in the trade; and whereas, this immense loss, sustained almost exclusively by a people whose capital consists chiefly in persevering industry and indomitable enterprise, is calculated not only to keep down their energies, but also to prevent them from reaping the numerous advantages held out to them by an exuberant soil, a healthful climate, and unequal commercial facilities; therefore,

Be it resolved by the General Assembly of the State of Illinois,

Instructions

That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of an act providing for the removal of the obstructions in the navigation of the western rivers, either by means of snag boats or otherwise, as to the wisdom of Congress shall seem best calculated to secure an object of the highest importance to the people of this and the other western States and Territories.

Resolved, That the Governor of this State be respectfully requested to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress; and also copies to the Governors of the different States and Territories interested in the safe navigation of the western waters.

PASSED

MEMORIAL AND RESOLUTION relative to the public lands.

Memorial to
Congress

To the Congress of the United States: Your memorialists do represent to your honorable body, that in view of the great interest and prosperity of the State, and citizens of Illinois, and in view also of the true interest and policy of the General Government in disposing of the public domain within the State of Illinois, your memorialists believe that the law passed by Congress providing for the entry and purchase of lands in quarter quarter sections, ought to be extended to actual settlers without restriction hereafter, and that all the public lands unsold, which have been in market, and subject to entry for fifteen years, ought to be reduced in price to fifty or seventy-five cents per acre.

Resolved, therefore, That our Senators in Congress be instructed, and our Representatives respectfully requested to use their best exertions to have a law passed in accordance with what is contemplated in the foregoing memorial. Instructions

PASSED

PREAMBLE AND RESOLUTIONS relative to the duties on foreign salt.

WHEREAS, the article of salt is one of indispensable necessity Preamble to the whole country, and particularly to the agricultural population of the western States, among whose staple productions are pork, beef, &c.; and whereas, in consequence of the prevalence of low prices, the scarcity of money, and the want of sufficient markets, these articles are so reduced in price as scarcely to repay the labor and expense of production causing great and general distress; and whereas, in consequence of the high duty imposed by the lately enacted tariff law on salt of foreign manufacture, the price of that article has been oppressively increased, compelling the producers to pay to domestic manufactures exorbitant prices, and for an article of inferior quality, constituting, in fact, an oppressive and partial tax upon those who are least able at this time to endure it, and who can receive no possible benefit from such tax; and whereas, the imposition of onerous taxes upon articles of pure necessity is in violation of all just principles of political economy, at war with the true spirit of our republican institutions, taking, as it does, money from the toiling many, who receive no return, and bestowing it upon the privileged few, who render no equivalent; and whereas, Col. Thomas H. Benton, the Hon. Samuel McRoberts, the Hon. John Reynolds, and other distinguished Senators and Representatives in Congress, have been and are still making strong exertions to procure the repeal of this obnoxious portion of the tariff law; and whereas, a solemn and united expression of the wishes of the people of the great west upon this subject (being as they are more injuriously affected than other classes,) is needed to secure prompt and efficient relief; it is therefore

Resolved by the General Assembly of the State of Illinois, Instructions
That our Senators in Congress be instructed, and our Representatives requested, to use their united and untiring efforts to procure at the earliest possible day the passage of a law permitting the importation of salt free of duty.

Resolved, That the Governor be requested to cause to be transmitted copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress, and to the Hon. Thomas H. Benton.

PASSED

RESOLUTION AND MEMORIAL relative to the reduction of postage.

Memorial to
Congress con-
cerning post-
age

Resolved by the House of Representatives, the Senate concurring herein, That the following memorial be adopted, and that each of our Senators and Representatives in Congress be furnished with a copy of the same.

In behalf of our constituents, the people of the State of Illinois, we recommend to the especial attention of the National Legislature that subject of general complaint, the high rate of postage upon letters. In this young State we feel, in a peculiar manner, that inconvenience which operates with so much severity upon thousands of our citizens who are remotely separated from their early friends. There seems to be a necessity for exempting, by law, a class of public agents from this burthen; but were it not deemed inconsistent with a just regard to legislative convenience to restrict the franking privilege to the executive department of the Government alone, such restriction would lead irresistably to a clearer apprehension of the inconvenience to which the mass of the people are exposed by the present exorbitant charges for letter postage. Those who are exempt by law, or whose ample means place them above the consideration of small expenses, can with difficulty be made to sympathize with that large, intelligent, industrious and deserving portion of society who suffer under this abuse, and to whom the benefit of our extended mail arrangements is virtually prohibited.

To show the extremity of this inconvenience during the present unusual dearth of money it may be useful to advert to a fact of frequent occurrence in this State. Letters have been enquired for at the post office, and seen by the person to whom they were directed, who has then endeavored to raise the money to meet the postage without success, and they have eventually gone to the department among the dead letters. Cruel incidents of this description are common at every post office, and in all parts of our country the high rate of postage, in every quarter, repressing correspondence, and amongst a valuable portion of society, prohibiting it altogether. It would seem to wear the character of not only a practical absurdity, but of a high handed abuse, to establish for the professed convenience of the public an institution which affords an accommodation to a limited few, while the mass of the people are not only too poor to reap any substantial benefit from it, but are prohibited from devising any scheme of their own to accomplish the object which this monopoly fails to effect. Private enterprise might accomplish with equal certainty and speed for the whole people, what the department now practically accomplishes for a limited portion only. It is well known that letters are constantly transported, and in vast numbers, between our great Atlantic cities by private enterprise. Under a just and reasonable rate of postage, this

successful competition with the public mail could never succeed.

Some idea may be formed relative to the extravagance of the present charges for letter postage by adverting to calculations made in England previous to a recent experiment adopted there, under a greatly diminished rate. It was found that about one thirty-sixth part of a penny on each letter weighing one quarter of an ounce would defray the cost of carrying the mail between Edinburg and London, four hundred miles. This calculation led to the very important reform of establishing a uniform charge upon every single letter transported by mail, without regard to distance. To quote the words of the British report: "If the charge for postage be made proportionate to the whole expense incurred in the receipt, transit, and delivery of the letter and in the collection of its postage, it must be made uniformly the same from every post town to every other post town throughout the United Kingdom, unless it can be shown how we are to collect so small a sum as the thirty-sixth part of a penny." It admits of demonstration that the expense of transporting a letter by mail between the most distant points of the United States is less than one cent.

Whilst these facts show the enormity of the existing charges, they cannot fail to demonstrate the propriety of an uniform charge on each letter transported by mail without regard to distance, and that in establishing such charge our smallest silver coin, the half dime, should be the maximum. When it is considered that a vast amount of correspondence by letter is effected upon our great thoroughfares through the medium of private conveyance, which would seek the public mail in preference, were the charges less exorbitant, and that an immense portion of our population are nearly cut off from such communication by the present high rate, it may not be unreasonable to say, that the uniform charge of five cents for the postage of a single letter would yield more to the department than it now receives, whilst the object of its institution would be more fully accomplished.

Relative to the franking privilege, the additional expense to the department on that account is probably over-rated; but so far as the public service is concerned, it would seem more just to provide for such expense through the ordinary channel of appropriation, than to extort any portion of it so directly from the hard earnings of the laborious emigrant. That decidedly just and salutary feature in the English reform, which determines the charge of postage on a sealed package by weight, without regard to the number of pieces enclosed, should not be overlooked.

Our present method of prying into letters, by post masters and clerks, although countenanced by law, is not only unjust but exceedingly impertinent. It is a practice so revolting to all manly and correct feeling, that many of our post masters can

never condescend to be made the tool of the department in carrying out a system of espionage which they consider so disreputable, and so little called for by the public interest. How infinitely unworthy the magnanimous spirit of a great nation to require that our public servants shall tear open the envelope of a suspected pamphlet or newspaper, to see that the treasury is not about to be despoiled of its due by the information surreptitiously conveyed, that somebody's "friends are well." How much is annually saved to the nation by this gross assault upon the proprieties of life—or how should it be expected that laws which sanction such rudeness can be respected by a free people? A reform which would be moderate and limited, compared with that which has met favor in England, might result in the following advantages:

1. A price more equivalent to the service rendered would be established.

2. The odium attached to the public mail conveyance, as an exorbitant government monopoly, would be removed, and the inducements to private enterprise to compete with it be reduced, if not destroyed.

3. The charge for letter postage would be uniform as well as just; the accounts more readily kept, and the duties of the post office more correctly and economically performed.

4. The people would acquire the habit of resorting wholly to the use of the public mail, and the increased correspondence prove at least an equivalent to the reduction upon the rate of postage; which rate, if fixed at five cents, would still exceed, by more than ten fold, the actual mean cost of the receipt, transit, and delivery of the letter.

5. A large, deserving, and most useful portion of the community, which is now cruelly and unjustly debarred from the use of this important conveyance by the present exorbitant rates of letter postage, would reap that benefit from the public transportation of the mail to which every citizen is justly entitled.

6. The greatly augmented correspondence would facilitate commercial arrangements; yield an incalculable addition to social enjoyment, and more essentially promote the object of general education than any other means within the reach of the Federal Government; and we may here be permitted to remark, that whilst millions are annually expended in imparting literary and scientific knowledge to the rising generation, the adult mind should also be enlightened, or the guardians of youth can feel no interest in an object so important. Communication by letter is the especial province of mature years, and to a reflecting mind the importance of promoting an interchange of ideas by written correspondence, as a means of inducing the habit of correct thought, of classifying, extending and putting human knowledge to the best use, may be deemed a consideration of sufficient magnitude to demand some attention among the duties of legislation.

7. By regulating the postage on sealed packages by weight,

instead of the present very objectionable method by the number of enclosures, we should not only give a more equitable rate, with increased uniformity and simplicity, but the discreditable practice of prying into the contents of sealed packages, so offensive to the public, and often so fatally demoralizing to the agent who performs that duty, would be wholly superseded.

PASSED,

PREAMBLE AND RESOLUTIONS praying a grant of land on the line of the Northern Cross Railroad.

The committee of Internal Improvements, to which was ^{Memorial} referred the petition of the citizens of Macon county and others residing along the line of the Northern Cross Railroad of the State of Illinois, praying this Legislature to memorialize the Congress of the United States to donate to this State each alternate section of land for six miles on both sides of the said Northern Cross Railroad from Springfield to the east line of the State, for the purpose of completing said road, have had the same under consideration, and beg leave to report the principal statements made by said petitioners.

That Macon county is situated in the central part of this State, a distance of eighty miles from the Illinois river, and one hundred miles from the Wabash river; neither of which streams are navigable for more than one-half the year.

That the citizens of Macon and other counties along the route of said road are mostly agriculturalists, and from the great depression of their interests occasioned by the scarcity of money and the consequent very low prices of their farming products, at very distant markets at this time, they state their inability to pay their taxes or their debts. For wheat, one of their principal staple articles, is now only worth forty cents per bushel at Chicago, distant 180 miles; at St. Louis, wheat is worth only forty cents per bushel, distant 130 miles; and at Springfield it is only worth twenty-five cents per bushel, distant forty miles. And all other productions of the soil are at still more ruinously low prices.

That the cost of cultivating and preparing for market all kinds of agricultural produce, at the lowest rate paid for farming labor, amounts to more than the entire sales of the whole crop of the farms, exclusive of the cost of transportation.

They further state that the lands situated in the interior of the State of Illinois are as rich as any in the world, and mostly belong to the United States; that these lands are not intersected by roads, nor traversed by navigable rivers; and, therefore, until railroads are made across these vast prairies to afford cheap and expeditious methods of conveying farm-

ing produce to market, these rich lands must remain unsold and valueless.

That the internal improvement system, began by this State in 1837, embraced the above named Northern Cross railroad, and for the distance of fifty-eight miles thereof, from the Illinois river to Springfield was completed, when, from the inability of borrowing any more money, or in other words of selling State bonds at par, all the public works of the State were suddenly stopped, leaving the residue at the east end of this road unfinished, and that if Congress would make a grant of waste unsold lands for the purpose of completing the railroads of this State, it would be of the most incalculable benefit and convenience to the United States, to the State of Illinois, and to the citizens residing in the vicinity of said contemplated railroad routes. To the United States Government, by the more rapid sales of millions of acres of land lying in the large sea-like prairies in the central parts of this State, by facilitating the transportation of the public mail, by the more expeditious conveyance of troops, military munitions and provisions, both in times of peace and war. Great advantage would also accrue to this State by having the central parts thereof thickly settled, and millions of acres in cultivation at as early a period as possible, thereby yielding a large amount of taxation annually to enrich her exhausted treasury.

To the citizens already settled, and the many thousands who would gladly purchase the rich prairie soil if they could have a railroad conveniently situated to carry thereon their products to market, the present prospect of their best market for time to come is along the lake route, either to Canada or New York—for, by the late revision and regulations of the British tariff, a most valuable trade is opening to all those parts of the State of Illinois that can find conveyances to the lakes for all their staple articles of exports—wheat, flour, beef, pork, lard, &c. Wheat is now admitted free of duty into Canada, and flour from Canada is admitted into England at one dollar less duty per barrel than from other foreign ports. It is, therefore, strong reason for presuming that hereafter England will receive large supplies of bread stuffs from Illinois by the way of Canada. The average deficiency of wheat or grain for the supply of England for the last ten to twenty years is estimated at twenty millions of bushels per annum. Beef and pork are admitted into England by way of Canada at three shillings and sixpence sterling per barrel (or 77 cents.) and eight shillings per barrel (or \$1 76 cents) from other foreign ports. Lard is admitted into England via Canada at eleven cents per hundred pounds; and at forty-four cents from other foreign ports.

Wheat has sustained a higher price in the ports on Lake Erie, for the last year, by ten or fifteen cents per bushel, than on the Ohio and Mississippi rivers. The average price of wheat in New York or Philadelphia, for the last twenty years,

has not been less than ninety cents per bushel in any one year; and flour not less than four dollars and twenty-five cents to four dollars and fifty cents.

From past experience the petitioners confidently estimate that five dollars per barrel may be looked for as an average price for many years to come, and at the present very low rate of ninety cents per bushel in New York. It may be estimated at sixty-five cents per bushel in the ports of Lake Erie, Toledo, at the mouth of Maumee river, or at Cleveland; and on the completion of the aforesaid Northern Cross Railroad, wheat may be safely estimated at an average price of fifty cents per bushel along the line thereof, instead of having it to haul from fifty to eighty miles, and then obtain only twenty-five cents—the present price. The petitioners are most anxiously desirous of obtaining assistance from Congress to enable this State to finish the said road, from the fact that the Great Wabash and Erie Canal is completed, connecting by river and canal communication, Lake Erie, at the mouth of Maumee river, with the Great Wabash river at Lafayette, a distance of 235 miles, and a continuation of said canal will be finished the ensuing year from Lafayette to Covington, in Indiana; which last named point is opposite the east end of the line of said Northern Cross Railroad, and, therefore, when completed through Danville and Decatur, to Springfield, said railroad will be the greatest intercommunication between the waters of Lake Erie and the Mississippi, the connecting route of travel and transportation between New York and New Orleans, and crossing the rich and beautiful prairies of Illinois. It will connect the agricultural interests of the west with the commercial interests of the south and east.

The States of Indiana, Ohio, and New York, are also greatly interested in the completion of this railroad, by the increase of tolls along their public works, by the transportation thereon of the farming produce of Illinois to the eastern or Canadian markets; therefore, the aforesaid citizens most respectfully pray this Legislature to memorialize Congress to donate to this State the alternate sections of land for six miles on both sides of the Northern Cross Railroad from Springfield, the seat of Government of the State of Illinois, to the east line of said State, for purposes of completing said road; therefore, this committee propose and recommend the following for adoption:

Resolved, 1st. That our Senators in Congress be instructed and our Representatives requested to introduce a bill donating to the State of Illinois the alternate sections of land for six miles on each side of the Northern Cross Railroad, for the sole use of completing said road.

Resolved, 2d. That in all cases where the lands through which said railroad passes have heretofore been entered, that the Governor of the State of Illinois be authorised to make the

selection of an equal number of acres from the vacant lands within the State.

Resolved, 3d. That the Governor of this State is hereby empowered to sell any lands which may be donated to this State, and apply the proceeds to the use or purposes as specified or granted.

Resolved, 4th. That the Governor of this State is hereby empowered to appoint commissioners to make, construct, or repair any railroads for which lands may be granted, provided the same be done without any cost or expense to the State, other than the proceeds of the sales of said donated lands.

Resolved, 5th. That the Governor of this State be requested to forward a copy of this report and resolutions to the Governors of the States of Indiana, Ohio, and New York, soliciting them to take into consideration the great advantages their States will respectively receive from the measure contemplated; and the great national benefits arising from all works of internal improvement, such as may be properly called national thoroughfares; and that said executive officers be requested to invite the aid, assistance, and votes of their several delegations in Congress in support of the aforesaid bill for donation of land to the State of Illinois.

PREAMBLE AND RESOLUTIONS in relation to Oregon Territory.

Preamble

WHEREAS, the title of the Government of the United States to the Territory of Oregon is indisputable, and the Government of Great Britain is only entitled to the joint occupancy thereof by the permission of the United States, until notice shall be given for its termination; and whereas, Great Britain has taken exclusive possession of the choice parts of said Territory, in direct violation of treaty, and with an utter disregard of the rights of the United States; and whereas, the safety of the title of the United States to said Territory is greatly endangered by the concessions made in the late treaty, relative to the boundary of Maine, by her rights to said Territory not then being persisted in and made part of said treaty, and will be more endangered by longer delay; and whereas, the Hon. Lewis F. Linn has lately introduced into the United States Senate a bill providing for the settlement and protection of Oregon; therefore,

Resolved by the People of the State of Illinois, represented in the General Assembly, That our Senators in Congress be instructed, and our Representatives requested to use their best efforts in the support of a bill lately introduced into the United States Senate to authorise the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes.

Resolved, That the Governor be requested to transmit a copy hereof to each of our Senators and Representatives in Congress.

PASSED

PREAMBLE AND RESOLUTION relative to Oregon.

WHEREAS, in making the late treaty with the British Govern- Preamble
ment, all questions were not settled, and thereby the Territory of Oregon is left in dispute between the Government of the United States and the Government of Great Britain; therefore,

Resolved by the House of Representatives of the State of Illinois, Instructions
the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to procure the adoption of the proper measures to establish the north-western boundary, and to settle the controversy between the United States Government and the Kingdom of Great Britain, in relation to said boundary.

Resolved, That the Governor be requested to forward copies of the foregoing preamble and resolution to each of our Representatives and Senators in Congress.

PASSED

PREAMBLE AND RESOLUTION relating to pre-emption rights, and reducing the price of public lands.

WHEREAS, it has been the settled policy of the Government Preamble
of the United States, in the exercise of a beneficent feeling, to secure, by pre-emption right, those pioneers of the newly settled portions of our country who had toiled to make themselves homes upon the unoccupied and unappropriated lands of the Government; and whereas, the act of Congress entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved September 4th, 1841, while professing to protect the rights of the actual settler, has imposed so many burthens upon him, by requiring him to file his application with the register of the land office of the proper district, describing the land settled upon, within thirty days next after the date of his settlement, or if made prior to the passage of said act, then within three months after the same became a law, and by requiring fees to be paid to the land officers, and by requiring proof to be made agreeably to such rules as the Secretary of the Treasury may prescribe, and by requiring the whole of the purchase money to be paid within twelve months after the date of the settlement, if made subsequent, and within twelve months after said law went in force, if

made prior to the passage thereof, and by denying any pre-emption to such as had opened a farm, but not built a house, as to render said law a curse rather than a blessing to the great mass of community in the new States; and whereas, during the present unparalleled scarcity of money, it is next to impossible for the poor man, however industrious he may be, to accumulate by his own labor within twelve months, a sufficient sum of money to enter him a home, while the application describing the land filed in the proper office remains as an unerring directory to guide the ruthless speculator to the little home of the occupant; and whereas, by the 10th section of the act aforesaid, an invidious distinction is made between the citizen and the alien who has not filed his declaration under the naturalization laws of the United States, so as to deny to the latter any pre-emption right whatever, though he may be a native of the land of De Kalb, Pulaski, of Montgomery, or of La Fayette; and whereas, neither those who furnished us with men or money in our revolutionary struggle, or their descendants, should be denied the privilege of a home in our country, and a participation in the laws of the land, in common with our own citizens; and, whereas, a liberal policy should be pursued by our government, so as to secure to the ardent but oppressed lover of liberty throughout the world, a home and an asylum in the land of Washington; and whereas, it is unjust in principle to impose taxes and other burthens of Government upon aliens in common with native born citizens, while we deny to them equal rights and privileges under our laws; and whereas, the price of our public lands that have long been in market, should be so reduced as to place it within the power of every industrious man, however poor he may be, to secure a home for himself and family; therefore,

Instructions

Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives requested to use their utmost exertions to procure the passage of a permanent pre-emption law, embracing not the shadow merely but the substance, which will secure to the actual settler, with as little cost as possible, for a term of years, a home upon any unoccupied and unappropriated tract of Government land on which he may open a farm or build a dwelling house.

Resolved, That such restrictions and provisions be incorporated in said law as will effectually prevent land speculators and others from entering any tract occupied as aforesaid, without having first purchased the improvement of the proper owner.

Resolved, That said law repudiate all invidious distinctions made between aliens and native born citizens, so far as procuring a home in our country and interest in our soil is concerned.

Resolved, That they also use their best exertions to procure the passage of a graduation law, with such restrictions and safe guards as will confine its beneficial operations to the actual settler.

Resolved, That the Governor be and is hereby requested to forward a copy of this preamble and resolutions to each of our members in Congress.

PASSED,

PREAMBLE AND RESOLUTIONS in relation to the State debt.

WHEREAS, the State of Illinois, in common with many of her Preamble
 sister States of this Union, is now laboring under financial embarrassment; and whereas, under our former policy public works were commenced and prosecuted, and vast and extravagant schemes of internal improvements adopted, utterly disproportioned to our resources and means; and whereas, these measures had their origin in the delusions incident to one of those periodical excitements which, in Europe as well as in this country, have led States and individuals into inordinate speculations, uniformly terminating in bankruptcy and ruin; and whereas, under the influence of this delusion, former Legislatures have contracted debts in times of great apparent prosperity which we are now, in a period of depression and financial adversity, utterly unable to liquidate; and whereas, doubts are said to exist in the minds of our public creditors as to the intention of the people of this State respecting the legal and moral obligations of fulfilling these contracts and paying these debts; and whereas, it is essential to the well-being of nations, as it is of individuals, to maintain an unblemished reputation and sustain their dignity and honor, and that every individual in the nation is interested in sustaining and preserving that honor, not only from disgrace, but even from suspicion; and whereas, this Legislature has been recently elected by the people, is imbued with their opinions and feelings, and is fully cognizant of their intentions respecting this subject, they deem it due to themselves, to the people they represent, to the public creditors, and to their hitherto unsullied fame in the eyes of the world, to promulgate the following resolutions embodying the sentiments of the People of the State of Illinois:

Resolved by the House of Representatives, the Senate concurring herein, That we fully recognize the legal and moral obligations of discharging, with punctuality, every debt contracted by any authorized agent or agents of this State for a good and valuable consideration; and that the revenues and resources of the State shall be appropriated for that purpose

as soon as they can be made available without impoverishing and oppressing the people.

Resolved, That our failure hitherto to meet our obligations has not arisen from any intention on the part of the Legislature, or any respectable portion of the people, to repudiate or evade these obligations, and that we utterly detest and abhor the repudiation of just debts by States or individuals as immoral, dishonorable, and destructive of public and private character.

Resolved, That such failure is wholly attributable to causes involving the commercial nations of Europe as well as this country, over which we had but limited control, that seduced by an inflated currency and the consequent apparent prosperity, we contracted these debts vainly hoping that a corresponding state of prosperity would enable us to develop our rich resources and make them available to meet our obligations; that a rapid and almost unprecedented contraction and depreciation of the currency caused a corresponding depreciation in the value of property, crippled our resources, dried up the sources of revenue, and produced universal embarrassment and pressure, which can only be removed by the slow operations of active and patient industry.

Resolved, That the inflation of the currency had its origin and aliment in the overaction of the credit system, both in England and this country, that each nation contributed to swell the tide of excitement and speculation, which a few years ago rolled over both nations, and to which each in its turn became a victim, that its consequences were manifested in England by embarrassment and distress, and multitudes of failures and bankruptcies in 1839; and that the manifestations of such effects from the operation of similar causes in so rich and powerful a country should be a sufficient apology for the inability of a people, circumstanced as we are, to meet our obligations without a suspicion of base or dishonorable motives.

Resolved, That we do not regard a failure on the part of individuals or nations to pay their debts as base or dishonorable, when such failure proceeds from inability, and inevitable circumstances—that history furnishes examples of other nations, now high on the roll of fame, where circumstances not more imperious than ours, such as the South Sea speculation in England, and the Mississippi bubble in France, compelled a sacrifice of public and private obligations, without impairing the character and honor of those nations.

Resolved, That the actual debt of Illinois, for which no means are appropriated, is not insurmountable, when compared with our great natural resources—that our population, in a few years, according to the rates of augmentation, will amount to one million of people, and that our wealth and resources will be increased in a greater ratio—that the surplus productions of our rich soil, even with our present population, would

be amply sufficient to enable us to meet all our liabilities, could they be converted into money at reasonable prices; and that we must only await with patience, that period, which cannot be remote, when sufficient amount of sound a currency will be in circulation to secure to our agricultural population a fair price for their productions, and enable them to pay all necessary taxes, to meet the wants of the government at home, and discharge with integrity all our obligations to our creditors abroad.

PASSED, 21st Feb., 1843.

MEMORIAL AND RESOLUTIONS on the subject of the navigation of the Mississippi.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled: Your memorialists, the General Assembly of the State of Illinois, would respectfully represent to your honorable body that the free and unmolested navigation of the river Mississippi, not only along the western border of our naturally rich and luxuriant State, (more than six hundred miles in extent) but from the falls of St. Anthony to New Orleans and the Gulf, is a consideration which lies at the very foundation of western enterprise and prosperity, to say nothing of the vast and multifarious benefit to the whole Union arising therefrom. Since our great river is the national channel through which our agricultural and other products of the vast country, of which it is the drain, must find a market—while those products are annually increasing to an extent almost to defy belief, the dangers of navigation seem to increase in a corresponding ratio. The immense losses of property, as well as of human life, upon this great highway for our commerce have become a subject of deep and abiding interest to all classes in the west. The mighty wrecks, the vast quantities of scattered and decaying property, and the dreadful manifestations of consequent distress which so frequently present themselves to the eye of the traveller along the Mississippi, particularly between the mouth of the Ohio and the city of Alton, are startling in their character, and call aloud to the philanthropist and statesman to use their exertions to prevent the recurrence of similar calamities.

Memorial
concerning
navigation of
western rivers

Your memorialists have not at hand any certain data by which to ascertain the loss of human life and of valuable property, by reason of snags, sawyers, and other obstructions, which mechanical power, properly applied, can remove; but do not hesitate to say that many hundred lives and more than a million of dollars of property, with which steamboats were freighted, have been lost and destroyed within the last year alone.

To no power competent to the removal of the evil can your memorialists apply but to your honorable body. No means are within the control of any of the States watered by the Mississippi sufficient for the undertaking, and your memorialists are assured that in the just exercise of those powers delegated to you by the Constitution, the grievances of which they complain can be wholly removed; to this end your memorialists would respectfully suggest the propriety of organizing at once an efficient corps, skilled in operations of the kind, to be in service at all seasons when it is practicable to work; and would earnestly pray your honorable body, in tender consideration of the premises, to make appropriations commensurate with the magnitude and importance of the work, and continue them annually until the great object is accomplished. Your memorialists fully believe that if such a corps be organized, and such appropriations made, the obstructions will be removed in a few years and our citizens relieved from those great losses of property, to which they have been so long exposed, diminishing as they have so enormously the profits of their labor and skill. Whilst liberal appropriations are made for similar purposes to other portions the Union, and of which we do not complain, your memorialists believe a just regard to the great, diversified, and important interests of the valley of the Mississippi will prompt your honorable body to adopt, at the earliest possible moment, the most efficient measures to accomplish the object set forth in this their memorial, and by so doing advance the interests of a people whose great dependence is upon the safe navigation of their great and majestic river; and at the same time render that vast out-let of the western world what nature intended it to be, a source of State and National pride and prosperity; and your memorialists, as in duty bound, will ever pray, &c.

Resolved by the General Assembly of the State of Illinois, That our Senators in Congress be instructed to present the foregoing memorial to the Congress of the United States, and that those Senators be further instructed, and our Representatives requested, to use their best endeavors to procure the passage of a law, having for its object the removal of the obstructions in said memorial mentioned.

Resolved, That the Governor be requested to transmit a copy of the foregoing memorial and resolutions to each of our Senators and Representatives in Congress.

PASSED,

JOINT RESOLUTION authorising a settlement with the Fund Commissioner, Gov. & Auditor to settle with late Fund Comm'r

Resolved by the House of Representatives, the Senate concurring herein, That the Governor and Auditor of Public Accounts be and they are hereby authorised and required to settle with the present Fund Commissioner, John D. Whiteside, in relation to his dealings as such Fund Commissioner, without delay, and report the result to the General Assembly.

Resolved by the House of Representatives, the Senate concurring herein, That the Secretary of State be authorised to furnish the binder with paper for fly leaves for book binding for the State. Sec. of State to furnish binder with paper for fly leaves

PASSED,

JOINT RESOLUTION in relation to certain plates.

WHEREAS, there are several engraved plates belonging to the State now in the hands of engravers and others, and which have heretofore been used to print State bonds; and whereas, it is important that those plates should be procured by the proper authorities of this State and that they should be destroyed; therefore, Preamble

Resolved by the General Assembly of the State of Illinois, That the Governor shall be and he hereby is authorised and required to procure the possession of all such engraved places, and cause the same to be defaced or destroyed. Gov. to procure plates

PASSED,

MEMORIAL AND RESOLUTIONS to Congress in relation to canalizing the Des Moines and Rock river rapids on the Mississippi river.

The committee on internal improvements to whom was referred the memorial to Congress of the Territorial Legislature of Iowa, praying for an appropriation to make canals round the Des Moines and Rock river rapids, or falls of the Mississippi river, which had been forwarded to the Speaker of the House of Representatives of the State of Illinois, respectfully soliciting the co-operation and recommendation of the Legislature of said State in behalf and in the support of the objects of said memorial, have had the same under consideration and recommend the adoption of the following preamble and resolutions: Report

WHEREAS, it appears from all the best information that can be obtained, that the falls of the Mississippi river, commonly called the Des Moines and Rock river rapids, effectually obstruct and operate as a barrier to the navigation of the Mississippi river; and whereas, the best interests of that beautiful, fertile, and extensive region of country require Preamble

that a canal should be made round said falls or rapids, in order to facilitate the transportation of its agricultural and mineral productions to market, and admit vessels to ascend said river with such articles of importation as the wants, necessities, or convenience of the population of said region may require; and whereas, the cost of such canal would far exceed the means within the possession of individuals or of single States, and that such a necessary and desirable link of international communication can be accomplished only by an effort of the General Government; therefore,

Resolved by the House of Representatives of the State of Illinois, the Senate concurring therein, That we heartily concur in the memorial of the Territorial Legislature of Iowa, praying the Congress of the United States for an appropriation for the construction of a canal round the falls of the Mississippi river, commonly called the Des Moines and Rock river rapids, in order to remove or avoid the obstructions in the navigation of said river, and thereby facilitate the intercourse between the inhabitants of that region and those of our common country.

Instructions

Resolved, That the Senators and Representatives of the State of Illinois in the Congress of the United States, be requested to use every exertion in their power to sustain the said memorial from Iowa to Congress, and to obtain the appropriation therein prayed for, both by introducing a bill and otherwise.

Resolved, That the Governor of this State forward a copy of this memorial and resolutions to the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States, and to the Governor of the Territory of Iowa.

PASSED,

JOINT RESOLUTION authorizing the Governor to procure the surrender of the lease of S. M. Tinsley & Co., on the Northern Cross Railroad.

Resolved by the House of Representatives, the Senate concurring herein, That the Governor be authorised to procure the surrender of the lease of S. M. Tinsley & Co., on the Northern Cross Railroad between Springfield and Meredosia, and to settle with them on such terms as he may think just and equitable, and most conducive to the interest of the State; *Provided,* that the Governor shall not promise to pay, or pay, them any thing for the lease, in which, &c.

Gov. to procure
surrender of lease of
S. M. Tinsley
& Co. on
railroad

Provided, That the Governor shall also be authorised and required, if it be practicable, to procure the surrender of any lien which may exist upon the said road and the tolls of the same.

PASSED,

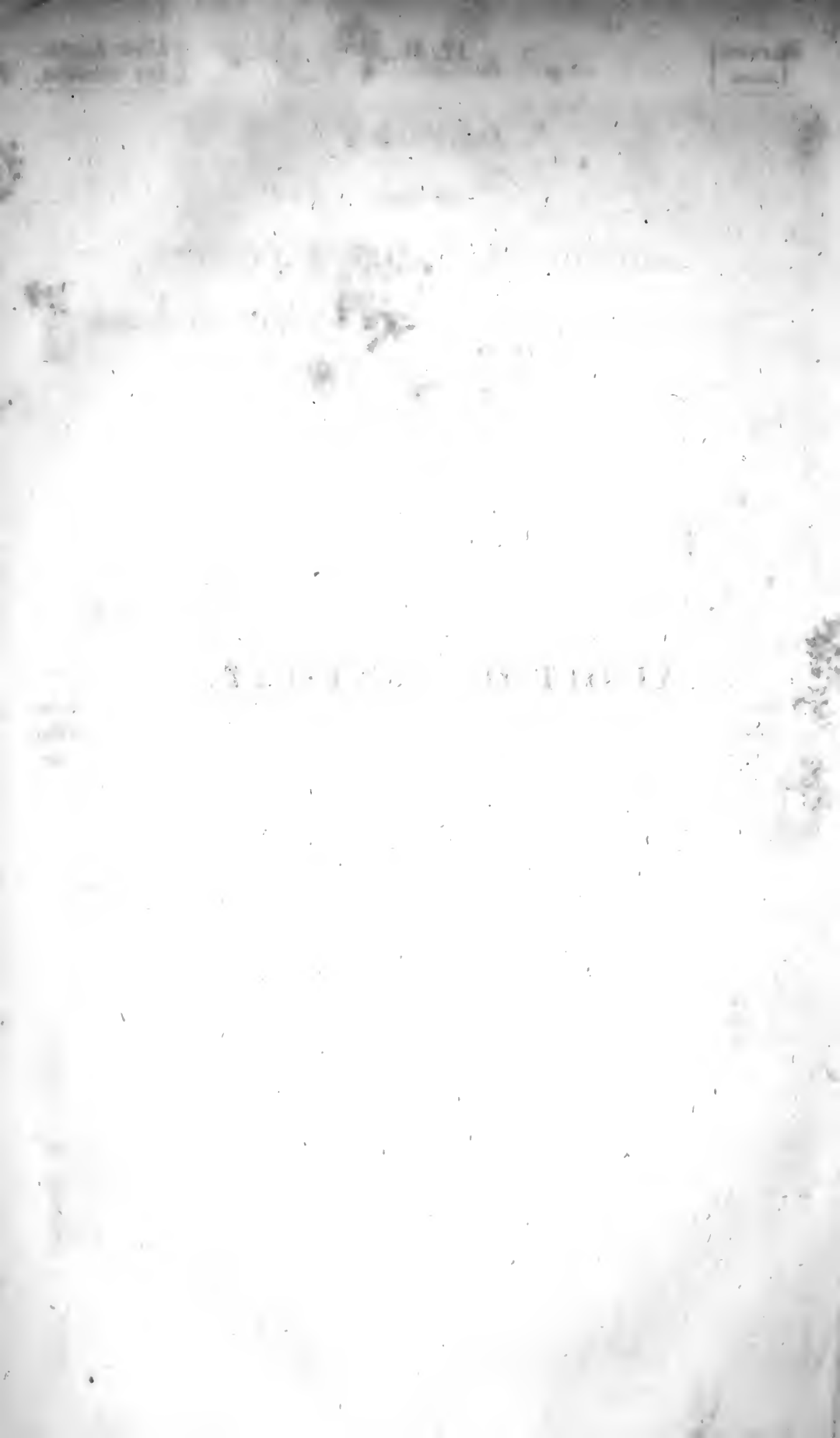
STATE OF ILLINOIS,
Office of Secretary of State.

I, THOMPSON CAMPBELL, Secretary of State of the State of Illinois, hereby certify the foregoing to be true and perfect copies of the enrolled Laws, Resolutions, and Memorials deposited in this office; the words printed in brackets, thus [] in the several laws in which they occur, not being in the enrolled laws, but are introduced in the printed laws for the purpose of correcting and explaining the same.

In testimony whereof, I have hereunto subscribed my name, at Springfield, this 1st of May, 1843.

THOMPSON CAMPBELL,
Secretary of State.

AUDITOR'S REPORT.



REPORT
OF THE
AUDITOR OF PUBLIC ACCOUNTS

Of the State of Illinois, to the General Assembly, December 5, 1842.

DECEMBER 5, 1842.

Laid on the table, and ordered to be printed.

AUDITOR'S OFFICE, ILLINOIS,
Springfield, December 5, 1842.

To the Hon. the SPEAKER

of the House of Representatives:

SIR: In pursuance of the ninth section of an act entitled "An act, to consolidate the acts relative to the Auditor and Treasurer, and election of Attorney General," I have the honor to submit to the General Assembly, the following report.

I have the honor to be with great respect,
Your obedient servant,

JAMES SHIELDS,
Auditor of Public Accounts.

Cr.

Dr. JOHN D. WHITESIDE & MILTON CARPENTER, State Treasurers, in account with the State of Illinois.

For amount received for redemption of delinquent lands and town lots stricken off to the State from 1st Dec., 1840, to the 1st Dec., 1842,	\$2,011 32	By amount deposited in the State Bank of Illinois, from 1st Dec., 1840, to 1st Dec., 1842,	\$288,355 95
For amount received from minor heirs for redemption money during the above period,	195 90	By old State Bank paper received into the State Treasury for State revenue and burned,	33 20
For amount received from revenue clerks,	1,104 45	By amount of Auditor's warrants drawn on the State Bank, and taken into the State Treasury by Milton Carpenter, towards the State revenue, and deposited by him in the Auditor's office,	3,851 86
" " " " State Bank for half per cent. on capital stock owned by individuals,	15,461 24	By amount of postage bill paid by M. Carpenter, Treasurer, on official letters, &c., for quarter ending 30th September, 1842,	926 44
For amount received from the sale of seminary lands,	400 00	By this amount remaining in the hands of M. Carpenter, Treasurer,	12,117 25
For amount received from insurance companies,	300 00		
" " " " County Commissioners' Courts, for the tax of 1839, not regularly assessed,	3,700 00		
For amount of interest allowed by the Bank on Auditor's warrants received by the Treasurer, upon which interest was not charged by individuals,	224 60		
	<u>\$305,284 70</u>		<u>\$305,284 70</u>
Dec. 1. For balance due from M. Carpenter,	\$12,117 25		

To this amount to balance account,	\$294,190 93	By balance of principal due the State Bank for warrants paid as per account on settlement, Sept. 30, 1842.	\$243,196 17
		By balance of interest due State Bank on the above sum,	50,994 76
	<u>\$294,190 93</u>		<u>\$294,190 93</u>
		1842.	
		Dec. 1. By balance of principal and interest due said Bank,	\$294,190 93

REDEMPTION ACCOUNT.

For balance of redemption money in the Treasury on the 1st day of December, 1840,	\$1,184 42	By amount of redemption money paid out from the 1st day of December, 1840, up to the 1st day of December, 1842,	162 96
For amount received into the Treasury from 1st December, 1840, to the 1st December, 1842,	186 98	By this amount to balance account,	\$1,208 44
	<u>\$1,371 40</u>		<u>\$1,371 40</u>
1842.			
Dec. 1. For balance of redemption money in the Treasury, this 1st day of December, 1842,	\$1,208 44		

*A statement shewing the condition of the School, College, and Seminary
Funds on the first day of December, 1842.*

Amount of school fund on the first day of January, 1842, - - - - -	\$346,326 21	
Amount of surplus revenue which was added to the school fund, 4th March, 1837, -	335,592 32	\$681,918 53
	<hr/>	<hr/>
Amount of college fund on the 1st day of January, 1842, - - - - -		69,249 20
Amount of seminary fund on the 1st day of January, 1842, - - - - -	56,817 66	
Amount received into the Treasury since the 1st day of January, 1842, - - - - -	100 00	
	<hr/>	56,917 66
Total amount of school, college and seminary fund, - - - - -		<u>\$808,085 39</u>

A statement shewing the amount of warrants drawn upon the State Bank from the 1st day of Decem^rber, 1840, to the 1st day of Decem^rber, 1842, for the current expenses of the State, and charged to the following accounts, viz:

To what charged.	Amount.
Special appropriations, - - - -	\$35,489 48
Interest on school, college and seminary funds, -	85,098 75
Wolf scalps, - - - -	12,037 00
Incidental expenses - - - -	5,170 91
State House special appropriation, - - - -	36,885 33
Interest fund, - - - -	42,350 00
Judiciary, - - - -	26,695 19
County Assessors, - - - -	11,158 17
Public Printing, - - - -	9,865 28
Circuit Attorneys, - - - -	5,146 24
Distribution of laws and journals, - - - -	1,295 13
The Militia, - - - -	1,670 00
Contingent Fund, - - - -	4,851 94
Bounty on silk, - - - -	530 35
Redemption money, - - - -	162 96
Taxes refunded, - - - -	1,037 93
Appropriations to witnesses, - - - -	295 87
do for library, - - - -	4,810 00
do to counties, - - - -	1,148 42
Penitentiary Inspectors, - - - -	228 00
Public Binding, - - - -	5,530 80
General Assembly, - - - -	67,036 00
The Governor, - - - -	3,000 00
Auditor of Public Accounts, - - - -	4,600 00
Secretary of State, - - - -	3,600 00
Treasurer, - - - -	3,200 00
Attorney General, - - - -	1,233 92
Deduct from the above sum, amount expended for <i>special</i> disbursement,	374,401 19 106,896 21
Leaves this sum disbursed for the <i>ordinary</i> expenses of the Government,	\$ 267,504 98

A statement of special disbursements from 1st December, 1840, to 1st December, 1842.

[vi]

6

Appropriations.	For what particular item.	Amount.	Total.
Special appropriations,	Taking State census, - - -	\$5,265 59	
	Mileage of the Presidential Electors, - -	262 50	
	Special appropriations to individuals for sundry articles furnished to the State House, and other bills, - -	4,906 30	
	Portraits of Washington and Lafayette, - -	1,000 00	
	Scammon's Reports, - - -	4,454 00	
	Clerks of Board of Auditors and Public Works, -	422 00	\$16,310 36
Incidental expenses,	Sett of Books for the Auditor's office to transcribe into lands, Furniture for Supreme Court room, for Auditor, Treasurer and Secretary's office, - - -	900 00	
		1,285 50	2,185 50
Contingent fund,	Completing Supreme Court room, - - -	159 57	
	Agents selecting lands granted by Congress, - -	2,290 00	
	Agent estimating work and materials on the Alton and Mt. Carmel Railroad, - - -	290 00	3,206 57
Special appropriation for State House.	Engraving bonds to settle with Bank of Illinois, -	467 00	
	For work done and materials furnished for the State House, To complete the State House, - - -	29,885 33	
		7,000 00	36,885 33
Interest fund,	Additional revenue of 10 c. on each \$100 valuation, set apart for the payment of interest public debt, paid over to Fund Commissioner, - - -		42,350 00
Appropriation to counties, do for Library,	For proceeds of Saline lands, - - -		1,148 42
	For Supreme Court and Legislative Libraries, -		4,810 00
Total amount of special disbursements,			\$106,896 21

A statement of ordinary expenses incurred from December 1st, 1840, to December 1st, 1842.

Appropriations.	For what particular item.	Amount.	Total.
Special appropriations,	{ Cutting wood, stone coal, &c. - - -	\$ 377 35	19,179 09
	{ Conveying convicts to the Penitentiary, - - -	10,397 60	
	{ Advertising delinquent lands, - - -	5,563 54	
	{ Land office abstracts of lands entered, and furnished the Auditor's office, - - -	976 83	
	{ Sheriffs' and clerk's fees on lands stricken off to the State for taxes, - - -	996 95	
	{ Sheriff's attendance on Supreme Court, at its sessions, &c. - - -	724 22	
	{ Transcribing records, rent of room for Supreme Court, &c. - - -	142 60	
	Incidental expenses,	{ Postage on Executive documents, and letters of the State officers, - - -	
{ Printing blanks for State officers, - - -		622 01	
{ Stationery for do do - - -		426 02	
{ Sundries, - - -		208 95	
Contingent fund,	{ Publishing the Governor's proclamations, - - -	221 50	\$ 1,615 37
	{ Special messengers to Executive of other States, &c., - - -	944 00	
	{ Sheriffs' going after prisoners to the Penitentiary, &c. - - -	94 87	
	{ Sundries, - - -	385 00	

Statement of ordinary expenses—Continued.

[viii]

Appropriations.	For what particular item.	Amount.	Total.
Int. on school col. & sem. fund	Paid to counties,	-	\$ 85,098 75
Wolf scalps,	Bounty on wolves killed in the State,	-	12,037 00
Public Printing,	-	-	9,865 28
do Binding,	-	-	5,530 80
The Militia,	Distribution of the laws and journals in the State,	-	1,295 13
Premium on silk,	Adjutant General's pay and Inspector's of Militia,	-	1,670 00
Taxes refunded on lands re-	Bounty paid to silk growers,	-	530 35
deemed by minor heirs,	Paid to purchasers of lands sold for taxes, said lands having	-	
Redemption money,	been redeemed by minor heirs,	-	273 52
Money refunded,	Paid to purchasers of lands sold to them by the Auditor	-	162 96
Appropriations to witnesses,	for taxes, and since redeemed by minor heirs,	-	
Penitentiary Inspectors,	To revenue collectors for amounts overpaid and to individuals	-	1,037 93
County assessors,	for amounts paid to them for taxes through errors,	-	
General Assembly,	To witnesses summoned by the people of the State of Illi-	-	295 87
Judiciary,	nois, in certain suits,	-	228 00
The Governor,	-	-	11,158 17
The Auditor,	For half of the expenses in assessing properties,	-	67,036 00
The Secretary of State,	For mileage and per diem to members,	-	26,695 19
The Treasurer,	Salaries to Judges of Supreme Court,	-	3,000 00
The Attorney General,	Salary and travelling expenses,	-	4,600 00
The Circuit Attorneys,	do of Auditor and clerks,	-	3,600 00
	do &c.	-	3,200 00
	do and clerk hire,	-	1,233 92
	do - - -	-	5,146 24
	do of eight Attorneys,	-	
Total amount of the ordinary expenditures,			\$ 267,504 98

*A statement of the amount drawn from the Treasury on account of the
Contingent Fund, from December 1st, 1840, to December 1st, 1842.*

Date.	To whom paid, and for what.	Amount.
1840.		
Dec. 1.	To warrants to D. Chapman, in full, for fitting up Speaker's seat, making and hanging curtains, and in the Senate chamber, - -	\$ 161 00
" 2	To warrants to Wm. Hodge, in full, for publishing Governor's proclamation, convening the Legislature, special session, 1840, -	5 00
	To warrants to Jas. L. Boyd, in full, for publishing the Governor's proclamation, convening the Legislature, special session, 1840,	5 25
1841.		
Feb. 20.	To warrants to S. Francis & Co., in full, for publishing the Governor's proclamation, convening the Legislature, sessions 1839 and '40, and special session 1840, and reward for the apprehension of Hume, a fugitive from justice, - - - - -	27 00
" 26	To warrants to John McDonald, in full, for publishing in the "Illinois Sentinel," the Governor's proclamation, convening the Legislature, special session, 1840, - - -	5 00
March 15.	To warrants to T. A. S. Doniphan, in full, for publishing in "the Mississippi Free Trader" the Governor's reward offered for the apprehension of Jas. Graham, a fugitive from justice, - - - - -	30 00
" "	To warrants to Bolton & Patterson, in full, for publishing the Governor's reward for the apprehension of E. Bavis and J. Graham, fugitives from justice, - - - - -	20 00
" 16	To warrants to Wm. Stewart, in full, for publishing the Governor's proclamation, convening the Legislature, special session, 1840, and reward for the apprehension of Bavis and Graham, fugitives from justice, - - -	13 00
April 5.	To warrants to Thomas Henderson, in full, for his services and expenses in going to the Executive of Pennsylvania to demand Jas. P. Graham, accused of the murder of Wm. A. Law, - - - - -	142 75
" 23	To warrants to J. C. Bailhache, in full, for publishing in "the Alton Telegraph" the Governor's proclamation, convening the Legislature, special session, 1840, - -	3 00

Contingent Fund—Continued.

Date.	To whom paid, and for what.	Amount.
1841.		
May 21.	To warrants to John Carlin, in full, for his services and expenses in conveying State Bonds from Quincy to Springfield, - - -	\$49 00
" 26	To warrants to John Carlin, in full, for his services and expenses in conveying State Bonds from Springfield to New York, - - -	300 00
June 5	To warrants to James M. Morse, in full, for his services and expenses as a special messenger to the Governor, - - -	48 00
" 7	To warrants to Isaac Greathouse, in full, for his services in conveying Moses May, a convict, from the penitentiary to Pike county, on a writ of <i>habeas corpus</i> , - - -	24 50
Aug. 2.	To warrants to John M. Krum, in full, for his services in examining into the situation of S. T. Sawyer's property, searching records and attending to sale of printing office, - - -	25 00
" 5	To warrants to Samuel B. Chandler, in full, for his services and expenses in going to St. Louis, and for amount advanced by him to the jailer in removing Zelman Holmes from St. Clair county, Missouri, to St. Clair county, Illinois, - - -	43 12
Sept. 4	To warrants to J. M. Bassett, for advertising proclamation for apprehension of P. B. Hume, - - -	6 25
20	To warrants to John Carlin, in full, for his services and expenses in going to the Executive of Missouri, to demand John Rose, who was committed to jail in Pike county, Missouri, on a charge of horse stealing in Pike county, Illinois, - - -	62 25
Oct. 21	To warrants to Thomas Ward, in full, for his account of boarding, receiving and discharging Z. Holmes at the jail of St. Clair county, on a writ of <i>habeas corpus</i> , - - -	17 25
" "	To warrants to S. B. Chandler, in full, for his services and expenses in conveying Charles Benton from the jail in St. Louis, to the jail in St. Clair county, Illinois, - - -	10 00
Dec. 29.	To warrants to Virgil Hickox, in full, for amount advanced by him towards completing Supreme Court room, - - -	159 57

Contingent Fund—Continued.

Date.	To whom paid, and for what.	Amount.
1842.		
Jan. 20.	To warrants to H. B. Houghton, in full, for publishing the Governor's proclamation, -	\$14 00
Feb. 11.	To warrants to D. Rockwell, in full, for a record made out upon the order of the Attorney General, in the case of the Treasurer, <i>vs.</i> Thomas Mather, to be taken to Supreme Court, - - - - -	4 50
March 4.	To warrants to Jno. Steel, in full, for his services as agent for the State, in appraising and estimating work done, and materials furnished on the Alton and Mt. Carmel Railroad, in conformity to an act entitled "An act, to authorize the Mt. Carmel and Alton Railroad Company to construct the Southern Cross Railroad," Approved, February 27th, 1841, - - - - -	290 00
" 7	To warrants to William Walters, in full, for his account for publishing canal report, for Secretary's office, - - - - -	4 50
" 16	To warrants to John Carlin, in full, for his services and expenses in conveying Charles Howard, a fugitive from justice, from St. Louis, Mo., to Jackson county, Illinois, -	59 00
" 24	To warrants to John Wentworth, in full, for publishing the Governor's proclamation, for the apprehension of Fatheree, a fugitive from justice, - - - - -	3 00
" 25	To McDonald & Roberts, in full, for publishing the Governor's proclamation for the apprehension of Fatheree, a fugitive from justice, - - - - -	3 00
" 29	To warrants to John Carlin, in full, for his services and expenses as messenger to the Governor of Missouri, - - - - -	43 00
April 1.	To warrants to S. J. Iankiewiez, in full, for his services and travelling expenses as special messenger from the Auditor's office to the Governor of Illinois,	48 00

Contingent Fund—Continued.

Date.	To whom paid, and for what.	Amount.
1842. May 6.	To warrants to Wm. L. D. Ewing, in part for an appropriation made him by the Governor for his services and expenses in selecting lands granted to the State of Illinois by the act of Congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved Sept. 4th, 1841, and in conformity to the "Act to authorize the Governors of Illinois, Arkansas and Missouri, to cause to be selected the lands therein mentioned," approved March 19th, 1842, - - -	\$100 00
" "	To warrants to William Carlin, in part of the appropriation as above, - - -	100 00
" "	To warrants to Samuel Whiteside, do. do.	100 00
" "	To warrants to Wm. C. Greenup, do. do.	100 00
" "	To warrants to Isaac S. Berry, do. do.	100 00
" "	To warrants to John B. Young, do. do.	100 00
" "	To warrants to Jacob Judy, do. do.	100 00
" "	To warrants to Samuel W. Rogers, do. do.	100 00
" "	To warrants to William H. Carlin, do. do.	100 00
June 21.	To warrants to J. M. Pitman, in full, for his services and expenses as a special messenger to the Executive of Missouri, to demand a fugitive from justice, - - -	192 00
" 24	To warrants to Michael McNamara, in full, for cutting wood, (60 cords) piling same in the basement of State House, making and keeping up fire in the offices of Auditor, Treasurer and Secretary of State. and taking care of furniture, and of other property about the State House, from 12th October, 1841, to 13th May, 1842, - - -	140 00
July 8.	To warrants to E. Abbott, in full, for publishing the Governor's proclamation in the Illinois Statesman, for the apprehension of Jno. Williams of Clark county, - - -	2 00
" 22	To warrants to Wm. C. Greenup, in part for his services and expenses in selecting lands granted to the State by act of Congress, -	100 00
" 9	To warrants to Isaac S. Berry, in part, for same as above, - - -	100 00
" "	To warrants to John B. Young, do. do.	100 00

Contingent Fund—Continued.

Date.	To whom paid, and for what.	Amount.
1842.		
July .9	To warrants to Isaac S. Berry, in full, do. do.	\$ 320 00
" "	To warrants to John B. Young, do. do.	260 00
" 26	To warrants to Wm. H. Carlin, do. do.	310 00
" "	To warrants to Samuel W. Rogers, do. do.	200 00
" 27	To warrants to James Shields, in full, for amount paid by him to engraver for State bonds, engraved with impressions and coupons, and for his own expenses in going to Cincinnati and back, - - - -	467 00
Oct. 21.	To warrants to John H. Pettit, in full, for publishing the Governor's proclamation, offering a reward for the apprehension of Smith and Rockwell, and for printing twelve quires circulars, - - - -	22 75
" "	To warrants to Daniel D. Waite, in full for publishing the notice of the Governor, Auditor and Treasurer, prohibiting the receipt of the State Bank paper, - - -	2 00
" "	To warrants to E. F. Fletcher, in full, for publishing the notice as above, - - -	3 00
" "	To warrants to George M. Shipper, for publishing the notice of the Governor, Auditor and Treasurer, prohibiting the receipt of State Bank paper for taxes of 1842, - -	3 00
" "	To warrants to P. B. Stone, in full, for publishing the notice as above, - - -	2 00
" "	To warrants to Brown & Somers, in full, for publishing the notice as above, - - -	2 00
" "	To warrants to John Wentworth, in full, for publishing the notice as above, - - -	3 00
" "	To warrants to William E. Jones, in full, for publishing two proclamations of the Executive officers, prohibiting State Bank paper, -	9 00
" 22	To warrants to Z. Eastman, in full, for publishing the notice of the Governor, Auditor and Treasurer, prohibiting the receipt of State Bank paper for taxes of 1842, - -	1 50
Nov. 1.	To warrants to S. Penn, in full, for publishing the Governor's proclamation, for the apprehension of Wm. Fatheree, a fugitive from justice, - - - -	9 00

Contingent Fund—Continued.

Date.	To whom paid, and for what.	Amount.
1842.		
Nov. 5.	To warrants to Stephens & Knodle, in full, for publishing the notice in the Rock River Reporter, prohibiting the receipt of the State Bank paper, for the State revenue for the year 1842, - - - - -	\$1 75
" 11	To warrants to S. Francis & Co., in full, for publishing the Governor's proclamation, for the apprehension of J. Smith and Rockwell, and for proclamation, prohibiting the receipt of the State Bank paper for the State revenue of 1842, - - - - -	13 00
" 25	To warrants to Wm. D. Latshaw, for publishing the Executive proclamation in "the Wabash Republican," prohibiting the receipt of State Bank paper for State revenue, - -	10 00
" 29	To warrants to A. N. Ford, in full, for publishing the Executive proclamation in "the Illinois Gazette," prohibiting the receipt of State Bank paper for revenue of 1842, -	3 00
		<u>\$4,851 94</u>

A comparative statement of the Revenue of 1841 and of the year 1842.

Counties.	1841.	1842.
Adams, - - - -	\$10,032 07	\$10,256 20
Alexander, - - - -	1,267 81	
Bond, - - - -	1,385 81	1,565 84
Boone, - - - -	204 51	277 07
Brown, - - - -	1,943 52	3,883 94
Bureau, - - - -	2,859 99	3,253 42
Calhoun, - - - -	1,285 14	1,241 00
Carroll, - - - -	198 75	183 09
Cass, - - - -	1,778 94	1,652 79
Christian, - - - -	1,146 25	1,781 37
Clay, - - - -	639 31	
Clark, - - - -	2,885 41	2,115 57
Champaign, - - - -	720 00	929 24
Clinton, - - - -	1,903 75	1,235 09
Coles, - - - -	2,988 24	3,151 17
Cook, - - - -	5,664 48	6,975 72
Crawford, - - - -	1,551 19	1,146 84
De Kalb, - - - -	217 22	252 02
De Witt, - - - -	1,176 05	1,556 61
Du Page, - - - -	739 11	
Edgar, - - - -	3,675 21	3,365 88
Edwards, - - - -	1,136 75	1,194 45
El. Ingham, - - - -	227 16	
Fayette, - - - -	1,143 38	
Franklin, - - - -	527 49	
Fulton, - - - -	5,250 49	6,450 75
Gallatin, - - - -	3,518 51	2,780 96
Greene, - - - -	4,251 10	4,069 64
Grundy, - - - -	957 37	1,140 60
Hamilton, - - - -	464 23	493 78
Hancock, - - - -	5,111 77	6,568 77
Hardin, - - - -	291 16	300 30
Henry, - - - -	1,845 88	1,651 64
Henderson, - - - -	2,094 24	2,117 39
Iroquois, - - - -	589 04	872 94
Jackson, - - - -	1,465 01	1,350 35
Jasper, - - - -	195 68	263 00
Jefferson, - - - -	1,126 90	1,323 34
Jersey, - - - -	2,560 58	2,714 79
Jo Daviess, - - - -	1,147 72	2,537 37
Johnson, - - - -	845 25	801 54
Kane, - - - -	578 36	701 91
Knox, - - - -	4,242,65	4,626 76

Comparative statement of Revenue—Continued.

Counties.	1841.	1842.
Kendall, - - - -	\$668 35	\$734 75
Lake, - - - -	317 66	330 80
La Salle, - - - -	7,288 85	5,487 13
Lawrence, - - - -	2,168 98	1,726 08
Livingston, - - - -	117 41	
Lee, - - - -	274 26	282 40
Logan, - - - -	1,267 29	1,716 17
Macon, - - - -	1,123 00	
Macoupin, - - - -	4,441 87	5,653 20
McLean, - - - -	2,794 26	3,087 04
McDonough, - - - -	5,039 31	4,294 96
McHenry, - - - -	394 83	510 35
Madison, - - - -	9,394 65	
Marion, - - - -	760 80	995 37
Marshall, - - - -	1,995 42	1,890 84
Menard, - - - -	2,276 03	1,807 08
Mercer, - - - -	1,995 52	1,979 26
Montgomery, - - - -	1,088 53	1,684 66
Monroe, - - - -	1,783 17	
Morgan, - - - -	10,133 72	
Mason, - - - -	286 52	647 45
Ogle, - - - -	504 73	469 47
Peoria, - - - -	4,801 44	5,432 26
Perry, - - - -	1,028 10	1,009 54
Pike, - - - -	5,920 31	7,234 28
Pope, - - - -	674 16	693 56
Piatt, - - - -	193 74	447 37
Putnam, - - - -	1,207 34	1,370 97
Randolph, - - - -	2,811 78	2,264 45
Rock Island, - - - -	1,377 98	1,665 52
Sangamon, - - - -	10,855 69	11,299 24
Scott, - - - -	1,941 81	2,134 00
Schuyler, - - - -	3,312 27	3,339 63
Shelby, - - - -	1,618 23	
Stark, - - - -	1,382 46	1,668 12
St. Clair, - - - -	6,845 82	
Stephenson, - - - -	466 78	
Tazewell, - - - -	4,383 39	4,500 25
Union, - - - -	1,372 09	1,426 10
Vermilion, - - - -	4,700 32	4,327 52
Wabash, - - - -	1,732 53	1,726 66
Warren, - - - -	4,319 67	4,017 56
Washington, - - - -	1,199 48	1,266 61
Wayne, - - - -	902 43	970 66

Comparative statement of Revenue—Continued.

Counties.	1841.	1842.
White, - - - -	\$ 1,860 93	\$ 1,869 23
Whiteside, - - - -	335 34	313 74
Will, - - - -	3,298 29	3,507 31
Williamson, - - - -	528 88	597 50
Winnebago, - - - -	543 45	610 57
Woodford, - - - -	886 20	1,165 79
Richland, - - - -		445 09
Total assessment, - - -	\$ 210,445 08	185,389 18
		(*) 34,610 82
Total, - - - -		\$ 220,000 00

The amount of assessment in fourteen counties for 1842, has not yet been ascertained at this office—probable amount inserted with an asterisk (*) is \$34,610 82.

Taxable Lands, assessments of Real and Personal property, Receipts and Disbursements, &c.

Years.	Taxable lands, acres.	Assessments of real and personal prop- erty.	Receipts into the Treasury.			Disbursements.		
			Ordinary.	Special.	Total.	Ordinary.	Special.	Total.
1835.	6,400,000		70,100	27,800	97,900	66,700		66,700
1836.	6,650,000		79,000	91,000	170,000	84,000		84,000
1837. }	6,950,000 }							
1838. }	7,250,000 }		117,000	415,200	532,200	235,000	586,000	821,000
1839.	7,610,000	114,452	61,760	23,400	85,160	186,621	96,000	282,619
1840.	7,964,000	116,466	106,220	57,000	163,509	177,114	32,000	209,114
1841.	10,060,000	210,445	103,065		103,065	179,807	56,635	236,442
1842.	13,250,000	220,000	202,219		202,219	87,959	50,000	137,959
1843.	14,271,000							
1844.	15,000,000							
1845.	16,132,876							

State Resources.		State's immediate debt.	
Amount of State tax assessed for 1842, after deducting ex- penses for collecting, &c.,		Outstanding warrants,	\$28,898 26
Amount due from revenue collectors under the old system,		Redemption money,	1,208 44
" " " of 1839		County taxes on lands sold to	
" " " " 1840		State, and since redeemed,	674 15
" " " " 1841			
Saline agents and lessees, say			
The General Government of three per cent. fund,			
do. do. for distribution of the proceeds of			
the sales of the public lands,			
		182,800 00	
		3,000 00	
		6,000 00	
		10,000 00	
		20,000 00	
		5,000 00	
		37,206 39	
		41,909 35	
		<u>\$305,915 74</u>	

In 1837 the State received \$477,919 14 of surplus revenue from the General Government. One law directed that part of this sum should be applied to pay off the debt due the school fund, which was at that time \$335,592 32; another law directed it to be added to the school fund, and a third directed it to be paid to the banks upon the stock taken by the State in those institutions. In the midst of these conflicting directions, the Fund Commissioner paid \$335,600 to the banks on account of stock, and the Auditor added \$335,592 32, not in money, but in credit to the school fund; upon this credit the State is still paying interest. The whole amount actually borrowed of the school, college and seminary funds at different times is \$472,493 07. Upon this, I conceive the State bound, under all circumstances, to pay interest faithfully; but it will be for the Legislature to determine, whether the people shall be called upon for taxes to pay interest on surplus revenue as school fund, which has been invested in Bank stock.

The following statement, shows the probable amount of funds necessary to defray the ordinary expenses of the Government, for the years commencing 1st December, 1842, and ending 1st December, 1844.

For what particular branch of expenditure.	Amount.
Conveying convicts to the Penitentiary - - -	\$10,000 00
Advertising delinquent lands - - -	3,000 00
Abstracts of lands entered in the State of Illinois - -	300 00
Sheriffs' and clerks' fees, on lands sold to the State for taxes - - - - -	900 00
Incidental expenses - - - - -	5,000 00
Contingent fund - - - - -	5,000 00
Interest on school, college and seminary funds - -	56,729 00
County assessors - - - - -	12,000 00
Redemption money - - - - -	200 00
Penitentiary Inspectors - - - - -	1,000 00
General Assembly - - - - -	50,000 00
Public Printing - - - - -	5,000 00
Public Binding - - - - -	2,500 00
Distribution of laws and journals - - - - -	1,300 00
The Judiciary - - - - -	27,000 00
The Governor - - - - -	4,000 00
The Auditor - - - - -	3,000 00
The Secretary of State - - - - -	2,000 00
The Treasurer - - - - -	2,000 00
The Attorney General - - - - -	1,400 00
The Circuit Attorneys - - - - -	5,600 00
Taxes on lands sold to State, on which county tax has been paid into State Treasury, and to be paid over to respective counties - - - - -	1,500 00
Total -	<u>\$199,829 00</u>

These reductions it will be seen, are not only practicable but required by the inability of the people and the wretched condition of the currency. The salaries of officers cannot be considered exorbitant now, but owing to the depreciation of State Bank paper, they have been compelled to accept less for some time past, and the foregoing amounts will afford them something like remuneration for their services. With an abundant treasury it might be politic perhaps to encourage by bounties the growth of silk, the killing of wolves &c., but in the present embarrassed condition of the finances, such expenses can be dispensed with without affecting the general prosperity. From the best information I have been able to collect on the subject, the public printing and binding will admit of some reduction. The laws of the session like the journals, might be bound in boards. Indeed some of the old wealthy states, are more economical than we are in this respect, as it is only their revised laws which are bound in boards. Some reduction might also be effected in the expense of collecting the revenue. Printers instead of being paid as now by the lot or tract, might be paid by the thousand ems. This would reduce the expense of advertising delinquent lands about one half. The pay of assessors, collectors and clerks may also admit of some reduction. It is not absolutely necessary for collectors to traverse their respective counties to collect taxes. A public notice at the county seat of each county or in each justice's district of the time and place of payment, would most likely be sufficient. The collection of taxes in the several counties through the joint agency of sheriffs and collectors, produces unavoidable complication in the accounts of these officers. All this could be prevented by giving the entire collection of the revenue to one class of officers. It would constitute an immense saving of time, trouble and expense, if delinquent lands could be sold without the intervention of a court: the rendition of judgment against delinquent lands is in its practical operation a mere ceremony, affording little or no protection to the rights of the citizens, and if only introduced to obviate the difficulty that might arise, from a fanciful construction of the constitution, might be safely abolished. The extraordinary loss which the State sustains by the annual sale of delinquent town lots, the most of them entirely valueless for any purpose except to swell expenses, calls for immediate legislative correction. The amount of tax levied in this State for county purposes appears very exorbitant. In 1840 it amounted in all to \$202,860, while the State tax only amounted to \$116,456. In 1841 it amounted to \$260,337, while the State tax for the same year amounted to \$210,445, thus showing that more is annually levied to maintain these local administrations than the administration of the State Government. It will be for the Legislature to determine whether a further limitation upon the county commissioners courts in this matter is not called for.

The proclamation prohibiting the reception of State Bank paper took effect from the 12th day of September last. Previous to that day a part of the revenue of 1842 had been collected and paid into the treasury, amounting in all to \$11,179 67. This leaves of the revenue of 1842 which has not yet reached the treasury \$182,800. By a reduction of the taxes, those who have already paid, and those who have yet to pay, the taxes of the current year, could be placed on a footing of equality. A reduction of

one half would make the revenue of 1842, not yet collected, after deducting for loss &c.,	-	-	\$91,400 00
Revenue in the treasury in State Bank paper, worth about			5,500 00
Revenue of 1839, '40 and '41 not yet collected, which after deducting for loss, will be worth about	-	-	15,000 00
Three per cent. fund due on the 30th June last	-	-	37,206 39
Receivable for the distribution of the proceeds of the sales of the public lands to July, 1842	-	-	41,909 35

			191,015 74
Reduced revenue of 1843	-	-	115,000 00

Total	-	-	\$306,015 74
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Thus it will be seen that by judicious retrenchment there will be ample resources to meet the expenditures of the next two years. The revenue if reduced to fifteen or twenty cents on each hundred dollars can nearly all be paid by tax payers for the ensuing two years in Auditor's warrants.

The warrants now outstanding and unredeemed amount to	\$28,898 26
The amount necessary to be issued to defray the expenses of the Legislature will be about	-
	50,000 00
To pay the interest on the school fund, and the salaries of officers, &c. until next April, about	-
	50,000 00

The whole warrants in circulation next April will be about \$128,898 26

The finances of the State can be placed upon a permanent footing by reducing the revenue and requiring it to be collected in current funds and Auditor's warrants. The first effect of this policy will be to enhance the value of warrants, and render them a temporary resource to meet demands upon the treasury, and its next effect will be to furnish tax payers with a convenient medium, for the payment of revenue, which no ingenuity can divert to any other purpose.

In my humble opinion every attempt to carry on the government with the notes of insolvent institutions must end in certain failure.

It will not possess even the merit of present convenience, while it is likely to subject the people to the risk of a special session of the Legislature, and an additional load of taxes.

It may be instructive to advert to the condition of the State towards the close of the last session of the Legislature, when the State Bank refused to redeem Auditor's warrants. The members of the General Assembly after having been in session about three months were unpaid and without means. The judges and other officers were in a similar condition and the credit of the State at the same time had sunk so low, that the public documents could not be obtained from the post office, until the officers themselves became personally responsible for the postage. In this extremity the State Bank was able to dictate its own terms to the Legislature and extort from that body whatever concessions it chose to demand. To prevent the recurrence of such a mortifying state of things, I united

with the Governor and Treasurer in their efforts to preserve the revenue of 1842 for the use of the State. In this I rejoice to say we have been successful, and it is now subject to your control instead of being in the vaults of the Bank. All of which is respectfully submitted.

JAMES SHIELDS,

Auditor of Public Accounts.

REPORT
OF THE
TREASURER OF THE STATE OF ILLINOIS,
TO THE
GENERAL ASSEMBLY.

DECEMBER 9, 1842.

Laid on table, and ordered to be printed.

TREASURER'S OFFICE, ILLINOIS,
Springfield, December 9th, 1842.

To the Honorable, the Speaker of House of Representatives:

SIR: In compliance with the statute requiring a report from the Treasurer, I have the honor to submit to the General Assembly, the following statement showing the amount received into the treasury, monthly, from the 30th day of November, 1840, to the 30th day of November, 1842, inclusive; also the amount deposited in Bank to the credit of the State, &c.

I have the honor to be, sir, your obedient servant,

M. CARPENTER, *Treasurer.*

The Treasurer in account with the State of Illinois, from the

Dr. TO RECEIPTS INTO THE TREASURY FROM					
Date.	Collectors.	Sheriffs.	Clerks.	Non-resident Taxes.	Redemption Money.
1840.					
December, 1841.	\$2,287 49	\$14 13		\$23 21	
January,	2,483 92	158 49	\$267 09	23 25	
February,	2,087 37			23 68	
March,	13,224 86	253 88		19 13	\$8 92
April,	1,021 70	69 76		175 76	56 04
May,	14,740 23	1,186 90		20 94	
June,	26,826 27	611 58		61 31	
July,	10,852 22	1,929 45		14 10	2 78
August,	1,957 43	640 86		65 07	15 66
September,	5,559 30	451 10		14 17	
October,	4,618 77	687 92		25 77	
November,	1,294 74	636 47		60 80	11 92
	\$86,954 30	\$6,640 54	\$267 09	\$627 19	\$95 32
1841.					
December, 1842.	3,186 26	292 48		33 24	
January,	500 00	127 95		7 85	
February,	643 96	8 92		10 46	
March,	24,659 00	77 00		157 59	
April,	23,742 95	1,250 38		22 86	53 52
May,	22,339 50	1,753 91		32 59	
June,	48,255 02	2,596 59		75 37	8 92
July,	22,063 23	2,511 91		93 13	
August,	8,969 55	1,457 31		803 14	11 24
September,	12,777 54	34 68	837 36	105 58	21 62
October,	4,756 18	509 67		42 32	5 28
November,	4,786 00	992 26			
	\$263,633 50	\$18,253 70	\$1,104 45	\$2,011 32	\$195 90

30th day of November, 1840, to the 30th day of November, 1842.

THE VARIOUS SOURCES OF REVENUE.

State Bank.	Seminary lands.	Insurance companies.	County Commissioners.	Aggregate.
				\$2,424 83
\$7,730 62	\$100 00			10,763 37
				2,111 05
	100 00	100 00		13,506 79
				1,523 26
				15,948 07
				27,499 16
				12,798 55
			350 00	3,029 02
				6,024 57
	100 00			5,332 46
				2,103 93
\$7,730 62	\$300 00	\$100 00	\$350 00	\$103,065 06
		100 00		3,611 98
7,730 62				8,366 42
			350 00	1,013 34
				24,947 11
				25,016 19
				24,126 00
		100 00	2,008 00	53,044 00
			992 00	25,660 27
	100 00			11,241 24
				13,876 78
				5,313 45
				5,778 26
\$ 15,461 24	\$ 400 00	\$ 300 00	\$3,700 00	305,060 10
Amount remaining in the hands of the late Treasurer, on the 1st day of December, 1840,				33 91
Excess of interest on Auditor's warrants paid by Bank more than allowed by Treasurer; during above time,				224 60
Total,				\$305 318 61

1841.	By certificate of deposit in State Bank and Branches,	-	-	-	3,623 94
December,					
1842.	{ Amount passed to the credit of the State on the books of the Bank, for bonus,				{ 635 80
January,	{ Certificates of deposit in State Bank and Branches,				{ 7,730 62
February,	"	"	"	"	995 88
March,	"	"	"	"	24,938 20
April,	"	"	"	"	24,966 19
May,	"	"	"	"	22,158 99
June,	"	"	"	"	55,061 01
July,	"	"	"	"	25,677 62
August,	"	"	"	"	11,233 41
September,	"	"	"	"	7,530 50
October,	"	"	"	"	24 24
November,	"	"	"	"	5,300 17
	Warrants returned and cancelled, Post office bill, &c,				\$293,168 14
	Old State paper burned and interest on the same,	-	-	-	33 20
	Total credit,				293,201 34
	Remaining in the hands of Treasurer, in State Bank and Shawneetown paper,	-			12,117 27
					\$305,318 61





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